
Council meeting: Wednesday, 28 July 2021

Notice is hereby given that a meeting of Warwick District Council will be held in the Town Hall, Royal Leamington Spa on Wednesday 28 July 2021, at 6.00pm.

Agenda

1. Apologies for Absence

2. Declarations of Interest

Members to declare the existence and nature of interests in items on the agenda in accordance with the adopted Code of Conduct. Declarations should be disclosed during this item. However, the existence and nature of any interest that subsequently becomes apparent during the course of the meeting must be disclosed immediately. If the interest is not registered, Members must notify the Monitoring Officer of the interest within 28 days.

Members are also reminded of the need to declare predetermination on any matter.

If Members are unsure about whether or not they have an interest, or about its nature, they are strongly advised to seek advice from officers prior to the meeting.

3. Minutes

To confirm the minutes of the meeting of the Council held on 5 May 2021.

(Pages 1 to 11)

4. Communications and Announcements

5. Petitions

To consider a petition from Gareth Dore, sponsored by Councillor Day, titled Permanently Pedestrianise Parade in Leamington Spa, which reads as follows:

*"We are passionate about the prosperity of Leamington Spa.
And are delighted with the current pedestrianisation of Parade in Leamington Spa and propose, that if this is permanently extended, it would not only benefit the safety of residents and visitors in the town; but also allow local independent businesses to thrive and contribute to economic growth of Leamington Spa. In turn, increase tourism to our Spa town.
Opportunity for al fresco dining and independent market stalls would maximise touristic appeal and thus increase economic growth of our beautiful town, as well as increasing air quality and encouraging more climate friendly ways of living. Leamington Spa is a town full of compassionate, friendly, happy, socially aware people and we believe this would be a move to reflect that."*

The matter is the responsibility of Warwickshire County Council. Therefore this Council can decide to:

- (a) Refer the petition to WCC without comment
- (b) Refer the petition to WCC with its support
- (c) Refer to WCC with other views
- (d) Take no further action

(No matter the decision of this Council Gareth Dore will be entitled to take the petition to Warwickshire County Council)

6. Notices of Motion

7. Leader and Portfolio Holders' Statements

8. Questions to the Leader of the Council & Portfolio Holders

9. Standards Committee Report

To consider an excerpt from the Standards Committee meeting of 29 June 2021.

(Pages 1 to 4 and Appendix 1)

10. Employment Committee Report

To consider the report from Employment Committee on 15 June 2021 and 1 July 2021 and the associated changes to the Constitution.

(Pages 1 to 53)

11. Licensing & Regulatory Committee Report

To consider an excerpt from the Licensing & Regulatory Committee meeting of 19 July 2021.

(Pages 1 to 3 and Appendices 1 & 2)

12. Amendments to the membership of Committees

To consider the following changes to membership of Committees as follows:

- (a) To appoint Councillor Quinney to Planning Committee in place of Councillor Cullinan;
- (b) To appoint Councillor Cullinan as a substitute to Planning Committee; and
- (c) To appoint Councillor Tracey on Planning Committee in place of Councillor Murphy.

13. Membership of Programme Advisory Boards (PABs), Working Parties and Outside Bodies

To consider the following changes:

- (a) to confirm the membership of the PABs (to be circulated on Tuesday 27 July 2021);
- (b) to note Councillor Quinney replacing the vacancy for the Labour Group on the South Warwickshire Local Plan Advisory Group;
- (c) to approve the appointment of a Conservative Councillor to the outside appointment of PATROL; and
- (d) to note the appointment of Councillor Cullinan as the Children's and Adults' Safeguarding Champion.

14. Common Seal

To authorise the affixing of the Common Seal of the Council to such deeds and documents as may be required for implementing decisions of the Council arrived at this day.



Chief Executive
Published Tuesday 20 July 2021

For enquiries about this meeting please contact Warwick District Council, Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire, CV32 5HZ

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E-Mail: committee@warwickdc.gov.uk

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WARWICK DISTRICT COUNCIL

Minutes of the Annual meeting of Warwick District Council held remotely on Wednesday 5 May 2020, at 6.30pm.

PRESENT: Councillor Ashford (Chairman); Councillors Bartlett, Boad, Cooke, Cullinan, Day, A Dearing, J Dearing, K Dickson, R Dickson, Evans, Falp, B Gifford, C Gifford, Grainger, Grey, Hales, Heath, Illingworth, Jacques, Kennedy, Kohler, Leigh-Hunt, Mangat, Margrave, Matecki, Milton, Morris, Murphy, Nicholls, Noone, Norris, Redford, Rhead, Russell, Skinner, Syson, Tangri, Tracey and Wright.

1. **Election of Chairman**

It was proposed by Councillor Noone, seconded by Councillor Grainger and

Resolved that Councillor Murphy be elected Chairman of Warwick District Council for the municipal year 2021/22.

Councillor Murphy made the Declaration of Acceptance of Office for Chairman of the Council and thanked Council for his election.

2. **Appointment of Vice-Chairman of the Council**

It was proposed by Councillor Falp, seconded by Councillor Cooke and

Resolved that Councillor Heath be appointed Vice-Chairman of Warwick District Council for the municipal year 2021/22.

Councillor Murphy made the Declaration of Acceptance of Office for Vice-Chairman of the Council and thanked Council for her election.

3. **Vote of Thanks for the Retiring Chairman**

It was proposed by Councillor Day, seconded by Councillor Falp and

Resolved that the appreciation of the Council be placed on record for the excellent services rendered by the retiring Chairman, Councillor Ashford, during the past year.

Councillor Ashford acknowledged the vote of thanks.

4. **Apologies for Absence**

Apologies for absence were received from Councillors Davison, Luckhurst and Roberts.

5. **Minutes**

The minutes of the meeting of the Council held on the 14 April 2021 were proposed, duly seconded taken as read and signed by the Chairman as a correct record.

6. **Membership of the Executive**

Councillor Day informed the Council that following the approach to align the Council with Stratford District Council, there would be nine Portfolio Holders at each authority, with the same areas of responsibility. In addition, the Executive would now be named the Cabinet in line with Stratford-on-Avon District Council. He informed the Council of the Councillors that the Cabinet would comprise of, as set out at Appendix 1 to the minutes.

7. **Appointments**

It was proposed by Councillor Murphy, duly seconded by Councillor Day and

Resolved that

- (a) the nominations for membership of the Committees, including substitute members, as revised by the addendum circulated before the meeting, including that the Overview & Scrutiny Committee is not politically proportionate to the Council, as set out in Appendix 2 to the minutes, be approved;
- (b) the appointments to Working Parties and Forums, as revised by the addendum circulated before the meeting, 2020/2021, as set out at Appendix 3 to the minutes, be approved;
- (c) the appointments to Champions Roles and Outside Bodies, as revised by the addendum circulated before the meeting, which are not politically proportionate to the Council, as set out in Appendices 4(a) and 4(b) to the minutes, be approved.

8. **Declarations of Interest**

There were no declarations of interest made

9. **Annual Reports of the Overview & Scrutiny Committees**

The Annual reports of the Finance & Audit Scrutiny Committee and the Overview & Scrutiny Committee were proposed by Councillor Nicholls, seconded by Councillor Milton and

Resolved that the Annual reports of the Scrutiny Committees, be approved.

10. **Executive Report**

The Executive report of the 22 April 2021 was proposed by Councillor Day, seconded by Councillor Hales and

Resolved that the recommendations of the Executive of 21 April 2021, be approved.

11. **Amendments to the Constitution**

The report from Democratic Services and the proposals from the Overview & Scrutiny Committees were proposed by Councillor Day, seconded by Councillor Hales and

Resolved that the recommendations be approved.

12. **Public & Press**

It was proposed by the Chairman, duly seconded by Councillor Day and

Resolved that under Section 100A of the Local Government Act 1972 that the public and press be excluded from the meeting for the following items by reason of the likely disclosure of exempt information within paragraphs 1,2 and 3 of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006

13. **Confidential Executive report**

The Confidential Executive report of the 22 April 2021 was proposed by Councillor Day, seconded by Councillor Hales and

Resolved that the recommendations of the Executive on 22 April 2021 be approved.

14. **Common Seal**

It was proposed by the Chairman, seconded by Councillor Day and

Resolved that the Common Seal of Warwick District Council be affixed to such documents as it may be required for implementing decisions of the Council arrived at this day

(The meeting ended at 7.35pm)

CHAIRMAN
14 July 2021

Strategic Leadership - Councillor Andrew Day (Leader) <ul style="list-style-type: none"> o Corporate Policy o Partnerships o Governance 	
Resources – Councillor Mary Noone <ul style="list-style-type: none"> o Budget & Finance o Audit & Risk o Procurement 	
Transformation – Councillor Richard Hales (Deputy Leader) <ul style="list-style-type: none"> o Programme Management – working together Digital and ICT o Broadband delivery o Digital Infrastructure o Communications o Human Resources o Health & Safety 	
Climate Change - Councillor Alan Rhead <ul style="list-style-type: none"> o Climate Change o Public Conveniences o Car Parking o Green Spaces – Development o Bereavement Services o Contracted Services (Refuse & Recycling, Street Cleansing, Grounds Maintenance) 	
Homes, Health & Wellbeing – Councillor Jan Matecki <ul style="list-style-type: none"> o Housing Landlord o Homelessness o Health and Wellbeing o Private Sector Housing o Travellers o Development Programme (Local Housing Company and Joint Venture) o Asset Management o Revenues, Benefits and Customer Services 	
Culture, Tourism & Leisure – Councillor Liam Bartlett	
<ul style="list-style-type: none"> o Culture o Tourism 	<ul style="list-style-type: none"> o Events & Markets o Leisure
Place & Economy – Councillor John Cooke	
<ul style="list-style-type: none"> o Economic Development & Inward Investment o Regeneration 	<ul style="list-style-type: none"> o Planning Policy o Physical Infrastructure – transport, energy, etc
Planning – Councillor Moira-Ann Grainger	
<ul style="list-style-type: none"> o Building Control o Development Management 	<ul style="list-style-type: none"> o Land Charges o Planning Enforcement
Community Protection – Councillor Judy Falp	
<ul style="list-style-type: none"> o Environmental Health incl. Licencing o Community Leadership, Forums & VCS 	<ul style="list-style-type: none"> o Safeguarding, Community Safety and CCTV o Emergency Planning o Parish/Town engagement



Membership of the Committees 2021/2022

Finance & Audit Scrutiny Committee (11)

Councillor M Ashford
Councillor I Davison
Councillor R Dickson
Councillor J Grey
Councillor T Heath
Councillor G Illingworth
Councillor N Murphy
Councillor J Nicholls
Councillor S Syson
Councillor N Tangri
Councillor J Tracey

Employment Committee (11)

Councillor L Bartlett
Councillor A Day
Councillor B Gifford
Councillor J Grey
Councillor R Hales
Councillor J Kennedy
Councillor P Kohler
Councillor M Mangat
Councillor R Margrave
Councillor N Tangri
Councillor J Tracey

Licensing & Regulatory Committee (15)

Councillor A Boad
Councillor G Cullinan
Councillor A Evans
Councillor C Gifford
Councillor J Grey
Councillor T Heath
Councillor G Illingworth
Councillor V Leigh-Hunt
Councillor M Luckhurst
Councillor M Mangat
Councillor D Norris
Councillor P Redford
Councillor S Syson
Councillor T Wright
Green Vacancy

Overview & Scrutiny Committee (11)

Councillor G Cullinan
Councillor A Dearing
Councillor J Dearing
Councillor O Jacques
Councillor P Kohler
Councillor V Leigh-Hunt
Councillor R Margrave
Councillor A Milton
Councillor T Morris
Councillor P Redford
Councillor D Russell

Planning Committee (11)

Councillor M Ashford
Councillor A Boad
Councillor G Cullinan
Councillor R Dickson
Councillor T Heath
Councillor O Jacques
Councillor J Kennedy
Councillor V Leigh-Hunt
Councillor T Morris
Councillor N Murphy
Councillor N Tangri

Standards Committee (11)

Councillor M Ashford
Councillor A Dearing
Councillor J Dearing
Councillor K Dickson
Councillor C Gifford
Councillor G Illingworth
Councillor R Margrave
Councillor T Morris
Councillor P Redford
Councillor J Tracey
Labour Vacancy

Substitute Members 2021/2022

Employment Committee

Conservatives

Councillor M Ashford
Councillor J Cooke
Councillor M-A Grainger
Councillor T Morris
Councillor N Murphy
Councillor M Noone
Councillor P Redford

Liberal Democrats

Councillor A Boad
Councillor K Dickson
Councillor R Dickson
Councillor C Gifford
Councillor A Milton
Councillor D Russell
Councillor S Syson

Green

Councillor I Davison
Councillor J Dearing
Councillor W Roberts

Labour

Councillor G Cullinan
Councillor J Nicholls
Councillor D Skinner

Whitnash Residents Association

Councillor T Heath

Finance & Audit Scrutiny Committee

Conservatives

Councillor O Jacques
Councillor V Leigh-Hunt
Councillor T Morris
Councillor P Redford

Liberal Democrats

Councillor A Boad
Councillor K Dickson
Councillor B Gifford
Councillor C Gifford
Councillor P Kohler
Councillor A Milton
Councillor D Russell

Green

Councillor J Dearing
Councillor A Evans
Councillor J Kennedy
Councillor M Luckhurst
Councillor W Roberts

Labour

Councillor G Cullinan
Councillor M Mangat
Councillor D Skinner

Whitnash Residents Association

Councillor R Margrave

Licensing & Regulatory Committee

Conservatives

Councillor O Jacques
Councillor T Morris
Councillor J Tracey

Liberal Democrats

Councillor K Dickson
Councillor R Dickson
Councillor B Gifford
Councillor P Kohler
Councillor A Milton

Green

Councillor A Dearing
Councillor J Dearing
Councillor J Kennedy
Councillor W Roberts

Labour

Councillor G Cullinan
Councillor J Nicholls
Councillor D Skinner

Whitnash Residents Association

Councillor J Falp
Councillor R Margrave

Overview & Scrutiny Committee

Conservatives

Councillor M Ashford
Councillor J Grey
Councillor G Illingworth
Councillor N Murphy
Councillor J Tracey

Liberal Democrats

Councillor A Boad
Councillor K Dickson
Councillor R Dickson
Councillor B Gifford
Councillor C Gifford
Councillor S Syson

Green

Councillor I Davison
Councillor A Evans
Councillor J Kennedy
Councillor M Luckhurst
Councillor N Tangri

Labour

Councillor M Mangat
Councillor J Nicholls
Councillor D Skinner

Whitnash Residents Association

Councillor T Heath

Planning Committee

Conservatives

Councillor M-a Grainger**

Councillor J Grey

Councillor J Matecki**

Councillor P Redford

Councillor T Wright

** Not on meetings with WDC applications

Liberal Democrats

Councillor K Dickson

Councillor B Gifford

Councillor C Gifford

Councillor P Kohler

Councillor A Milton

Councillor S Syson

Green

Councillor I Davison

Councillor A Evans

Councillor M Luckhurst

Councillor W Roberts

Labour

Councillor M Mangat

Councillor J Nicholls

Councillor D Skinner

Whitnash Residents Association

Councillor J Falp

Councillor R Margrave

Standards Committee

Councillor V Leigh-Hunt (Conservative)

Councillor N Tangri (Green)

Councillor J Nicholls (Labour)

Councillor S Syson (Lib Dem)

Councillor T Heath (Whitnash RA)

Working Parties & Forums 2021/2022

Working Party / Forum	Lead Officer	Number of places	Councillors 2020/2021
Members – Trades Union Joint Consultation & Safety Panel 1 from each Group	Tracy Dolphin	5	Vacancy Labour B Gifford Vacancy Green T Heath Wright
People Strategy Steering Group 1 each Group plus Chair of Employment Committee	Tracy Dolphin	6	Falp B Gifford Mangat Margrave Wright Vacancy Green
St Mary's Lands Working Party 1 each Group plus PH	Chris Elliott	6	Ashford Vacancy Lib Dem Vacancy Green Skinner Vacancy Whitnash RA Grainger a Portfolio Holder
Warwick District Conservation Advisory Forum Two elected Members of Warwick District Council who have an interest in the historic environment and planning matters.	Robert Dawson	2	Illingworth Syson

Working Parties appointed by the Executive

Working Party / Forum	Lead Officer	Number of places	Councillors 2020/2021
DPD Climate Change and Sustainable Buildings Working Group	Lorna Hale	5	Rhead Cooke Milton J Dearing Nicholls

Champions 2021/2022

Champions	Lead Officer	Number of places	Councillors 2020/2021
Children's and Adults' Safeguarding Champions <ul style="list-style-type: none"> Assure themselves that the Council has sound arrangements to protect children and promote their welfare are in place within the District Council and that the Council is promoting and engaging in effective interagency cooperation and collaboration in these fields; Undertake reasonable investigations so as to be able to form a view of the quality of the Council's child safeguarding activities and work with the officer Children's Champion to assist the Council and improve the quality and/or effectiveness of those activities whenever appropriate; Act as a "critical friend" to constructively challenge officers and elected members on child safeguarding and welfare issues as appropriate; Promote awareness of child safeguarding and welfare issues and the activities and processes undertaken by this Council amongst elected members 	Lisa Barker	2	Portfolio Holder, Health & Community Protection – Councillor Falp Representative from Overview & Scrutiny Committee – TBA
Heritage Champion (See CAF constitution for definition)	Robert Dawson	1	Chairman of CAF – TBA
HS2 Champion <ul style="list-style-type: none"> (To monitor the impact of HS2 on Warwick District and work on mitigation for this; To liaise with appropriate officers and organisations on HS2 matters and support the Portfolio Holder in this detailed area of work) 	Debbie Prince	1	Illingworth
Armed Forces Covenant Champion	Bernie Allen	1	Illingworth
Parish/Town Champion – Role Profile <ul style="list-style-type: none"> To raise awareness and have regard of issues affecting Local Councils within the District Council; To respond to invitations from Local Councils to attend meetings of mutual interest; To be the first point of contact for Local Councils in the event of concerns relating to dealings with the District Council; To ensure that Local Councils view are taken into account when the District Council undertakes consultation; To facilitate discussions in relation to the possibility of devolving services to Local Councils; To encourage joint training events including Councillors from the District Council and Local Councils To respond to invitations to attend Warwickshire and West Midlands Association of Local Councils (WALC) Area Committees; To attend other Local Council liaison meetings as appropriate 	Bernie Allen	1	Redford

Cabinet appointments 2021-22

(Appointments made by the Cabinet and therefore not a decision for the Council and not subject to political proportionality rules)

Cabinet Appointments	Number of places	Councillor 2021/2022
Warwickshire Police & Crime Panel	1	Davison
West Midlands Employers Substitute Representative for all District Councils (appointed by nomination from across the region)	1	Matecki
Coventry and Warwickshire LEP	1	Day
District Councils' Network (Leader of the Council)	1	Day
West Midlands Combined Authority (Leader of the Council)	1	Day
Safer Warwickshire Partnership Board	1	Falp
South Warwickshire Community Safety Partnership	1	Falp
Warwickshire County Council Health & Wellbeing Board	1	Matecki
Association of Retained Council Housing (ARCH)	1	Matecki
Warwickshire Waste Management Forum	1	Alan Rhead
Shakespeare's England	1	Bartlett
Total	11	

Warwick District Council appointments

Appointment	Number of places	Councillor 2020/2021	*Evaluation Criteria
Coventry Airport Consultative Committee	1	Wright	2
Kenilworth Abbey Advisory Committee	1	Cooke	4
South Warwickshire NHS Foundation Trust	1	Boad	5
Warwickshire County Council – Adult Social Care and Health Overview & Scrutiny Committee	1	Redford	5
Birmingham Airport Consultative Committee	1	Illingworth	2
Bid Leamington Board	1	Cooke	2
National Parking Adjudication Service (PATROL)	1	Labour Vacancy	1
South Warwickshire Community Safety Partnership (Non Executive rep)	1	Heath	1
Chase Meadow Community Centre	1	Bartlett	4
Total	9		

*Evaluation Criteria Key:
Council agreed criteria:

1. A body or partnership to which the Council provides significant financial contribution;
2. An established Council partnership with agreements in place;
3. A body or partnership to which the Council is obliged to appoint a Member;
4. A body or partnership which relates to the management of an asset of the Council; or
5. Appointments made at the discretion of the Council.

Additional Criteria used by the Deputy Chief Executive & Monitoring Officer:

6. Does the body play a significant role in local service delivery;
7. Does the body have significant influence on local or national policy.

Standards Committee

Minutes of the meeting held on Tuesday 29 June 2021 at the Town Hall, Royal Leamington Spa at 6.00pm.

Present: Councillors; Ashford, A Dearing, K Dickson, C Gifford, Illingworth, Margrave, Morris, Redford and Tracey.

Officers: Lesley Dury (Principal Committee Services Officer); and Graham Leach (Democratic Services Manager & Deputy Monitoring Officer).

1. **Apologies and Substitutes**

Apologies for absence were received from Councillor J Dearing and Independent Persons - Ray Tomkinson and Belinda Pyke.

2. **Appointment of Chairman**

It was proposed by Councillor Illingworth, duly seconded by Councillor Redford and

Resolved that Councillor Margrave be appointed Chairman of the Committee for the ensuing municipal year.

3. **Appointment of Vice-Chairman**

In the absence of any nominations, the appointment of Vice-Chairman was carried forward to the next meeting of the Committee.

4. **Declarations of Interest**

After confirmation from the Democratic Services Manager & Deputy Monitoring Officer, there was no requirement to declare any declarations of interest from Members who sat on the working party in respect of Minute Number 6.

5. **Minutes**

The minutes of the meeting held on 15 December 2020 were taken as read and signed by the Chairman as a correct record.

6. **The Local Government Association – Model Code of Conduct**

The Committee considered a report from Democratic Services which brought forward proposals for the adoption of the Local Government Association (LGA) Model Code of Conduct, associated guidance and procedures.

In December 2020, the Committee considered a report regarding the Local Government Association – Model Code of Conduct. As a result, the Committee agreed the establishment of a Working Party formed of the Chairman of Standards Committee (Councillor Illingworth), Councillors Margrave and Weber along with the Independent Persons Ray Tomkinson and Belinda Pyke. This was with a remit to review the LGA Model Code of

Conduct and bring forward any proposed revisions to this Council's Code. The Working Group was also asked to provide the Committee with proposals on how the views of the public, community organisations and neighbouring authorities could be sought on any revisions to the Code.

The Working Party met on two occasions to discuss the LGA Model Code of Conduct and the current arrangements in place for handling complaints made about Councillors Conduct.

Parallel to these discussions, officers were also in discussion with colleagues across Warwickshire regarding the future recruitment of Independent Persons, as required under the Act. Discussions were also in process with the Monitoring Officer for Stratford-on-Avon District Council on the LGA Model Code of Conduct.

The WDC Working Party was supportive of the LGA Model Code of Conduct and in a position to refer it to Committee, subject to the final layout being improved by officers for when it was published online, because it did not feel it was radically different to the current Code of Conduct for this Council. At the same time, in March 2021, the Stratford-on-Avon District Council Audit and Standards Committee proposed the adoption of the Model Code of Conduct, subject to Warwick District Council also passing a similar resolution, as set out in recommendations 2.1 to 2.3 in the report.

The WDC Working Party did not feel community engagement on potential changes to the LGA Model Code of Conduct was appropriate. This was because the intention was to have a single national code used by all authorities to provide consistency for the public. It was important that at the very least, due to the proposed merger, that both Warwick and Stratford-on-Avon had the same Code of Conduct in place at the same time.

The Warwickshire Association of Local Councils had recommended it to all their Members (which included all Parish & Town Councils in Warwick District, less one) that they adopted the proposed LGA Model Code. It was considered appropriate that WDC supported this recommendation.

There were a wider number of areas that needed to be addressed before the LGA Code of Conduct came into operation. The most specific of this was that the Local Government Association had commissioned advice to provide guidance on the operation of the Model Code of Conduct. It was considered this needed to be received and considered by the Standards Committee before the Code became operational as this would impact on training to be provided, as well the arrangements for considering complaints. Both Stratford-on-Avon District Council and Warwick District Council had similar but not identical procedures or handling processes for Code of Conduct matters and, if approved by Council in July, they would have the same Monitoring Officer combined with the desire to merge authorities. Therefore, it was considered an appropriate time to provide consistency across both authorities for these matters.

The Working Party considered the benefits of joining a Warwickshire wide Pool of Independent Persons or a more local South Warwickshire Pool with Stratford-on-Avon District Council. On balance it had no objection to either but felt it made more sense to work more closely with Stratford-on-Avon District Council, based on the emerging relationship and noting that they were also not part of the wider Warwickshire Pool.

Warwick District Council did not have an up to date Planning Code of Practice and therefore it was considered appropriate for it to consider that used by Stratford-on-Avon District Council.

The Democratic Services Manager explained that the intention was to align the Code of Conduct at both Councils and at national level. Stratford-on-Avon District Council had agreed an "almost identical" report back in March. Parish and Town Councils were already engaging with the process and the intention would be to promote others to adopt the Code; the local association for Town and Parish Councils was also promoting adoption of the Code.

It was proposed by Councillor Illingworth and seconded by Councillor Ashford that all recommendations in the report be approved as follows:

Recommended to Council that

- (1) the LGA Model Councillor Code of Conduct, as set out at Appendix 1 to the minutes, be adopted to replace the existing WDC Code of Conduct pursuant to section 28(5)(b) of the Localism Act 2011 (The Act) and it comes into force once those areas in recommendation 2 have been agreed; and
- (2) it be authorised to determine, without further recourse back to Council, the following:
 - investigating and making decisions on allegations made under the Code pursuant to section 28(6) of the Act;
 - pooling and appointing Independent Persons under section 28(7) of the Act;
 - granting dispensations to Members who have interests;
 - providing/facilitating training on the Code to Members of both Councils;
 - hearing and determining a complaint that has been the subject of an investigation;
 - harmonisation of official forms and other documents ancillary to the arrangements;
 - determining when the LGA Code will come into force; and
 - issuing guidance to assist Members in complying with the LGA Code.

Resolved that

- (1) the LGA Code be promoted for adoption by all Town and Parish Councils in the District, as a replacement for their current code of conduct; and

- (2) the Monitoring Officer be asked to bring forward an updated Planning Code of Practice in line with that in use at Stratford-on-Avon District Council.

(The meeting ended at 6.12pm)

CHAIRMAN
28 September 2021

Local Government Association

Model Councillor Code of Conduct 2020

Joint statement

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviours and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area; taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

Introduction

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

All councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

Definitions

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when:

- you are acting in your capacity as a councillor and/or as a representative of your council
- you are claiming to act as a councillor and/or as a representative of your council
- you are giving the impression that you are acting as a councillor and/or as a representative of your council
- you refer publicly to your role as a councillor or use knowledge you could only obtain in your role as a councillor.

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. *Respect*

As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

2. Bullying, harassment and discrimination

As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the council

As a councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a councillor:

4.1 I do not disclose information:

- a. given to me in confidence by anyone
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless
 - i. I have received the consent of a person authorised to give it;
 - ii. I am required by law to do so;
 - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
 - iv. the disclosure is:
 - 1. reasonable and in the public interest; and
 - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and
 - 3. I have consulted the Monitoring Officer prior to its release.

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a councillor:

5.1 I do not bring my role or local authority into disrepute.

As a councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/it's functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. *Use of position*

As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. *Use of local authority resources and facilities*

As a councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local or authorising their use by others:

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8. *Complying with the Code of Conduct*

As a councillor:

8.1 I undertake Code of Conduct training provided by my local authority.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9. *Interests*

As a councillor:

9.1 I register and declare my interests.

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should declare an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be declared by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or declare a disclosable pecuniary (i.e. financial) interest is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and declaring interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Gifts and hospitality

As a councillor:

10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.

10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.

10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B

Registering interests

1. Within 28 days of this Code of Conduct being adopted by the local authority or your election or appointment to office (where that is later) you must register with the Monitoring Officer the interests which fall within the categories set out in Table 1 (Disclosable Pecuniary Interests) and Table 2 (Other Registerable Interests). Disclosable Pecuniary Interests means issues relating to money and finances.
2. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
3. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor/member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.
4. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Declaring interests

5. Where a matter arises at a meeting which directly relates one of your Disclosable Pecuniary Interests, you must declare the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest, just that you have an interest.
6. Where a matter arises at a meeting which directly relates to one of your Other Registerable Interests, you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', again you do not have to declare the nature of the interest.
7. Where a matter arises at a meeting which *directly relates* to your financial interest or well-being (and is not a Disclosable Pecuniary Interest) or a financial interest or well-being of a relative or close associate, you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room

unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.

8. Where a matter arises at a meeting which *affects* –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a friend, relative, close associate; or
 - c. a body included in those you need to declare under Disclosable Pecuniary Interests

you must disclose the interest.

9. Where the matter affects the financial interest or well-being:
 - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the

	<p>councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land and Property	<p>Any beneficial interest in land which is within the area of the council.</p> <p>‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
Licences	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
Corporate tenancies	<p>Any tenancy where (to the councillor’s knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
Securities	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor’s knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were</p>

	spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registerable Interests

Any Body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the council;	
Any Body -	(a) exercising functions of a public nature;
	(b) directed to charitable purposes; or
	(c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)
of which you are a member or in a position of general control or management.	

Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7: Local authorities should have access to at least two Independent Persons.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to

review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.

Employment Committee

Minutes of the meeting held on Tuesday 15 June 2021 at the Town Hall, Royal Leamington Spa at 6.00pm.

Present: Councillors; Bartlett, Day, B Gifford, Hales, Kennedy, Kohler, Mangat, Murphy, Tangri and Tracey.

1. **Apologies and Substitutes**

- (a) there were no apologies for absence made; and
- (b) Councillor Murphy substituted for Councillor Grey.

2. **Appointment of Chairman**

It was proposed by Councillor Hales, duly seconded by Councillor Bartlett and

Resolved that Councillor Tracey be appointed Chairman of the Committee for the ensuing municipal year.

3. **Declarations of Interest**

There were no declarations of interest made.

4. **Minutes**

The minutes of the meeting held on 26 April 2021, was taken as read and signed by the Chairman as a correct record, subject to the inclusion of Councillor Tracey in the list of Members present at the meeting.

5. **CMT/SMT Review**

The Committee considered a report from the Chief Executive that sought approval for further changes to the Senior Management Team at Warwick District Council to create a Joint Warwick District Council (WDC) and Stratford-on-Avon District Council (SDC) Senior Management Team.

The proposals in the report brought forward recommendations that completed the inception of a Shared Joint Head of Service/Senior Management Team.

There would remain one employer for these roles to ensure a distinction between line reporting and performance management responsibilities. Contracts for these roles were being developed to ensure governance and accountability. The sharing of posts in this way could be achieved through agreement under S113 of the Local Government Act 1972 which enabled the officers to work and take decisions for one authority while being paid by another Council. This decision had been agreed previously by both Councils.

The Chief Executive drew Members' attention to the statutory post of Monitoring Officer and the fact that Warwick District Council's current Monitoring Officer would be giving up this role and it would be passing to Phil Grafton at Stratford District Council under the new arrangements. The appointment to the Monitoring Officer role could only be ratified by Council. The "person" had to be appointed to this specific role because they had to be judged to be a fit and proper person to carry out the duty.

The Head of Place and Economy position did not have an equivalent Head of Service at either Authority but there were potentially two suitable candidates employed currently. The role of the person finally appointed to this position would be removed from the establishment and that would achieve savings.

The financial implications of the recommendations would go to Cabinet in July and if considered appropriate, Council would be asked for approval with the intention for the new arrangements to start on 2 August 2021.

In response to questions from Members, the Chief Executive explained that:

- The Council had already achieved over £100,000 worth of savings, and other savings would accrue from the shared Heads of Service. Timings of the changes accounted for the expected savings not yet being achieved. This financial year, the savings were slightly less than anticipated, but it was necessary to look at the whole programme which would run over two to three years.
- It was anticipated that there would be a further reduction in the number of Heads of Service; there would be one less Chief Executive and this would help achieve further savings. The full details would be in the report to the Cabinet, which would mean the Scrutiny Committees would get the opportunity to examine the report.
- A lot of the savings would be achieved in the early stages, but it was possible that not all of the savings would be achieved. However, the savings to be made would be significant.
- The merger of the two Councils was the merger of the constitutional elements and identities of the two Councils. There were numerous Councils who had gone down this path with a single Chief Executive and several shared Heads of Service; some had even gone further. But they maintained their individual identities in respect of political, constitutional and democratic makeup. The proposals in the report did not mean that the merger of the two Councils was inevitable and they could remain separate but with shared staff. This meant a lot could be done without Government consent to merge.
- This set of proposals did not have any redundancies in staffing; going forward the intention was to keep vacancies as they occurred to reduce redundancies. Redundancies would be avoided if possible.
- Employment Committee had no responsibility in the appointment of the Monitoring Officer, other than what was included in the recommendations in the report.
- An organisational chart would be circulated to Councillors, but the Head of Place and Economy appointment would be dependent on a decision on which Council would be the lead employer. It was hoped that this appointment would be made in readiness for 2 August.

- It was possible that additional staff resource would be required for the formal merger.

It was agreed to change the wording of recommendation 2.13 in the report to make it explicit that the sharing of employees referred to the sharing of all roles below Heads of Service level.

Councillors asked the Committee's thanks to the Chief Executives at both Warwick District Council and Stratford District Council and to everyone involved with the work be recorded in the minutes of the meeting.

It was proposed by Councillor Day and seconded by Councillor Hales and

Recommended to Council that

- (1) Phil Grafton, as Head of Law and Governance, be designated as the Authority's Monitoring Officer under section 5 of the Local Government and Housing Act 1989 from 2 August 2021; and
- (2) Article 12 to the Constitution, and the Structure Chart that forms Part 7 of the Constitution is updated to reflect these changes and asks officers, in consultation with the Leader, to update the scheme of delegation to reflect these revisions and report them to Council on 14 July 2021.

Resolved that:

- (1) the creation of a permanent post of Programme Director for Climate Change (PDCC) from 2 August 2021 and that this is a shared post with SDC, be approved;
- (2) the appointment of the current post holder of the fixed term post of the PDCC to the permanent post of shared PDCC in accordance with a Section 113 Agreement, be approved;
- (3) the creation of Head of Law and Governance (with the statutory Monitoring Officer responsibilities) post from 2 August 2021 and that this is a shared post appointed to by SDC in accordance with a Section 113 Agreement, be approved;
- (4) the creation of a Deputy Chief Executive post from 2 August 2021 and that this is a shared post appointed by SDC in accordance with a Section 113 Agreement, be approved;

- (5) the sharing of the current WDC Deputy Chief Executive (with the Monitoring Officer responsibilities being removed) with SDC in accordance with a Section 113 Agreement from 2 August 2021, be approved;
- (6) the creation of Head of Development post from 2 August 2021 and that this is a shared post appointed by SDC in accordance with a Section 113 Agreement, be approved;
- (7) the sharing with SDC of the post of Head of People and Communications from 2 August 2021 in accordance with a Section 113 Agreement, be approved;
- (8) the sharing with SDC of the post of Head of Community Protection (currently known as Head of Health & Community Protection) from 2 August 2021 in accordance with a Section 113 Agreement, be approved;
- (9) the sharing with SDC of the post of Head of Culture, Tourism and Leisure (currently known as Head of Cultural Services) from 2 August 2021 in accordance with a Section 113 Agreement, be approved;
- (10) the sharing with SDC of the post of Head of Housing (currently known as Head of Housing Services) from 2 August 2021 in accordance with a Section 113 Agreement, be approved;
- (11) the principle of a Head of Place and Economy covering the Planning Policy, Projects and Economic Development activities of WDC and of SDC and that a further detailed report is brought to agree the process of implementation for that post, be approved;
- (12) future Section 113 Agreements in relation to the sharing of all roles below Heads of Service level will be subject to CMT approval, be noted; and
- (13) overall the Joint Management Team will (including existing CEOs of both Councils) amount to 17 people, 3 less compared to each Council's original establishment in 2020 and that it is anticipated that over the length of the programme (to 2024) that this will reduce further to one CEO and the Heads of Service to 10 from 12, be noted.

(The meeting ended at 6.48pm)

CHAIRMAN
7 September 2021

Employment Committee

Minutes of the meeting held on Thursday 1 July 2021 at the Town Hall, Royal Leamington Spa at 6.00pm.

Present: Councillor Tracey (Chairman); Councillors; Bartlett, B Gifford, Hales, Kennedy, Kohler, Mangat and Margrave.

6. **Apologies and Substitutes**

(a) there were apologies for absence from Councillor Day, Grey and Tangri; and

(b) there were no substitutes.

7. **Declarations of Interest**

There were no declarations of interest made.

8. **Head of Place & Economy**

The Committee considered a report from the Chief Executive that provided an update regarding recruitment of the Head of Place and Economy as part of the creation of the Joint Warwick District Council (WDC) and Stratford-on-Avon District Council (SDC) Joint Management Team, along with the proposed selection process for the newly created Head of Place and Economy.

At Council on 5 August 2020, it was agreed that employees may be placed at the disposal of 'the other Council' as required, under a Section 113 Agreement. To date all posts subject to an Agreement had been Head of Service level or above, so had been brought to the Employment Committee.

Where WDC was identified as the lead employer, the SDC Portfolio Holder was invited into the process as a stakeholder group as part of the first stage interview providing feedback to the shortlisting panel, but with no decision-making responsibilities.

At its meeting on 15 June 2021, this Committee agreed to the principle of a Head of Place and Economy covering the Planning Policy, Projects and Economic Development activities of WDC and of SDC and that a further detailed report would be brought to agree the process of implementation for that post.

SDC would be leading on this recruitment and they were taking a report to their Employment & Selections Committee on 6 July 2021 to confirm arrangements for this process. Their proposed programme was set out in the report.

For the recruitment of the Head of ICT, WDC undertook the recruitment process with only limited involvement from the relevant SDC Portfolio Holder. On review of this and following closer working relationship that had now formed with SDC, while they were leading on this recruitment the

Leader and Chief Executive of SDC offered more detailed engagement with WDC Councillors as a step towards future working and recruitment exercises, which it was anticipated a joint approach would be brought forward later in the year.

As with the recruitment for the Head of ICT Services, West Midlands Employers would provide independent external support during the selection process.

Consultation had begun with the affected officers who were already in post as part of the organisational redundancy and policy procedure to ring fence vacancies in order to prevent the likelihood of a redundancy situation.

Following the wider reports in recent weeks it was considered appropriate to ensure the Constitution should be updated as soon as possible to reflect the changes that had been made.

Members of the Committee had concerns that if the dates were to be confirmed it could be possible that one or more of the members of the Panel would not be available on the specific date. Therefore to allow for this, an amendment to the recommendation in the report was suggested by the Democratic Services Manager & Deputy Monitoring Officer that if this occurred a replacement to the role could be appointed by the Chairman of the Committee in consultation with the Head of People & Communications. This was accepted by the Committee.

It was proposed by Councillor Day and seconded by Councillor Bartlett and

Recommended to Council that Article 12 to the Constitution, and the Structure Chart that forms Part 7 of the Constitution, is updated to reflect this change and authorises officers, in consultation with the Leader, to update the scheme of delegation to reflect these revisions and report them to Council on 28 July 2021 to come into effect from 2 August 2021.

Resolved that

- (1) the creation of a shared post, appointed to by SDC, Head of Place and Economy, be approved and this will be in accordance with a Section 113 Agreement, be noted;
- (2) Councillor Bartlett, Hales, Kennedy and Kohler of this Committee be appointed to join Councillor Cooke, as Portfolio Holder, as stakeholder panel to support the SDC recruitment process;

- (3) if one of the representatives of this Committee are unable to attend the Panel the Chairman, in consultation with the Head of People & communications, be authorised to appoint a replacement Councillor from this Committee; and
- (4) the reason for this meeting to be called with less than five clear days notice was to enable the recruitment process to move forward as swiftly as possible, be noted.

(The meeting ended at 6.10pm)

CHAIRMAN
7 September 2021

Council
28 July 2021

Title: Employment Committee Report - Addendum

Lead Officer: Graham Leach

Portfolio Holder: Andrew Day

Public

Wards of the District directly affected: None

Contrary to the policy framework: No

Contrary to the budgetary framework: No

Key Decision: No

Included within the Forward Plan: No

Equality Impact Assessment Undertaken: No

Consultation & Community Engagement: None

Final Decision: Yes

Accessibility checked: Yes

Officer/Councillor Approval

Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	16/7/2021	Chris Elliott Andrew Jones
Head of Service	16/7/2021	All
CMT		
Section 151 Officer		
Monitoring Officer	16/7/2021	Andrew Jones
Finance		
Portfolio Holder(s)		Andrew Day

1. Addendum

- 1.1. The Employment Committee meetings on 15 June 2021 and 1 July 2021 both asked Officers to bring forward revisions to Article 12, the Officer Scheme of Delegation and Revised Officer structure, parts of the Constitution to Council for approval. This was as a result of the restructure of the Senior Management Team to combine Heads of Service and Deputy Chief Executive's with Stratford-on-Avon District Council.
- 1.2. These have been updated to reflect the changes, including moving delegations to the appropriate service area. This is with an exception of deleting delegation AST (10) because it was a duplicate of AST (3). These are presented as appendices to this addendum for confirmation by Council.
- 1.3. The documents are appended as follows:
 - Article 12 – Appendix 1
 - Section 4 Scheme of Delegation – Appendix 2
 - WDC Organisation Chart – Appendix 3
- 1.4. Council is recommended to resolve that the Constitution be updated to include the revised documents as set out at Appendix 1, 2 and 3 to this addendum.

ARTICLE 12 - OFFICERS

Chapter 8 DETR Guidance

12.01 Management structure

- (a) **General.** The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.
- (b) **Chief Officers.** The Council will engage persons for the following posts, who will be designated chief officers and will therefore be recruited as set out within the officer employment procedure rules:

Chief Executive
Deputy Chief Executive (x 2)
Programme Director for Climate Change
Head of Financial Services
Head of ICT
Head of People & Communications
Head of Development
Head of Community Protection
Head of Economy and Place
Head of Culture, Tourism and Leisure
Head of Assets
Head of Environment & Operations
Head of Revenues & Customer Services
Head of Law and Governance
Head of Housing

- (c) **Head of Paid Service, Monitoring Officer and Chief Financial Officer.** The Council will designate the following posts as shown:

Post	Designation
Chief Executive	Head of Paid Service
Head of Finance	Chief Finance Officer
Head of Law and Governance	Monitoring Officer

Such posts will have the functions described in Article 12.02-12.04 below.

- (d) **Restriction on Functions.** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if they are recognised as a qualified Accountant.
- (e) **Structure.** The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out at Part 7 of this Constitution.
- (f) the Council has appointed an Information Governance Manager to act as Data Protection Officer for the Council.

12.02 **Functions of the Head of Paid Service**

The Head of Paid Service will report to Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.

12.03 **Functions of the Monitoring Officer**

(a) **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.

(b) **Ensuring lawfulness and fairness of decision making.** After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the Council or to the Cabinet in relation to an executive function if they consider that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

(c) **Supporting the Standards Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.

(d) **Local Standards Framework.** The Monitoring Officer will undertake the work as required by the Local Standards Framework.

(e) **Proper officer for access to information.** The Monitoring Officer will ensure that Cabinet decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.

(f) **Advising whether Executive decisions are within the budget and policy framework.** The Monitoring Officer will advise whether decisions of the Cabinet are in accordance with the budget and policy framework.

(g) **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, probity and policy framework issues.

(h) **Contributing to corporate management.** The Monitoring Officer will contribute to the corporate management of the Council.

12.04 **Functions of the Chief Finance Officer**

(a) **Ensuring lawfulness and financial prudence of decision making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to Council or to the Cabinet in relation to an executive function and the Council's external auditor if they consider that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

(b) **Administration of financial affairs.** The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.

(c) **Contributing to corporate management.** The Chief Finance Officer will

contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

(d) **Providing advice.** The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, financial impropriety, probity and budget and policy framework issues.

(e) **Give financial information.** The Chief Finance Officer will provide financial information to the media, members of the public and the community.

12.05 **Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer**

The Council will provide the Head of Paid Service, Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

12.06 **Conduct**

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member_Relations set out in Part 5 of this Constitution.

12.07 **Employment**

The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in Part 4 of this Constitution.

Section 4 Scheme of Delegation

1. Introduction

The Chief Executive, his Deputies and Chief Officers (as detailed in Article 12 of the Constitution) shall have authority, subject to the requirements of the provisions of this Constitution and within approved budgets to:

- (i) Take any necessary steps for the day to day management and routine administration of the functions or services for which they are responsible;
- (ii) Exercise the powers delegated to them and to authorise such officers as they think appropriate to exercise on their behalf the powers delegated to them; and
- (iii) Carry out the responsibilities stipulated in the Code of Financial Practice and Code of Procurement Practice.

All members of staff have authority to act on behalf of the Council in accordance with duties set out in their job description and will carry identification as evidence of their authority to enter premises lawfully at all reasonable hours for the purposes of carrying out duties in line with appropriate legislation

2. General Conditions of Delegation

- a) In respect of all functions delegated to officers prior to this date and in the future, the delegation shall be deemed to extend to any statutory re-enactment thereof, in whole or in part, whether varied in extent and/or wording, for the time being in force and, in respect of past delegation, to have been so extended with effect from the date when the said re-enactment came into force, provided that any major variation made in pursuance of this General Condition shall be reported for information to the appropriate body. To also include the delegation to act upon, apply, enforce or otherwise put into effect any future legislation which falls within their areas of responsibility being of a similar nature to existing delegations.
- b) The delegation of any power or function includes the authority to take all steps and actions ancillary to, conducive to, or to facilitate the exercise of the power or function including authority to serve statutory notices and all necessary and/or consequential action arising as a result including the institution of legal proceedings (subject to prior consultation with the a solicitor acting for the Council) or other proceedings and shall include also power to determine the need to serve the notice as well as to arrange for its service.
- c) Where the delegations require the agreement of, or consultation with or other action by the Chairman and/or Vice Chairman of the Council or of any committee, such delegation shall provide for the substitution of another Member in the absence of any of the specified members.
- d) Subject to the foregoing, and without derogation from the powers or duties now or thereafter confirmed or imposed upon officers of the Council by statute or by any statutory instrument or regulation, authority to act for and on behalf of the Council without reference to the Council or any committee shall be delegated as otherwise set out in this Constitution.

- e) The power to sign documents on behalf of the authority shall be the Chief Executive, the Deputy Chief Executives, Programme Director for Climate Change and Head of Law & Governance.
- f) Revisions to the delegations to Committees as set out in the responsibility for Council functions automatically enact necessary revisions to the powers of officers to coordinate with the above and to bring other aspects up to date.
- g) In the absence of any member or officer specified in relation to any delegated power, authority to deal with matters following the invoking of the Emergency and/or Business Continuity Plans, authority is given to the officer or member's deputy (or where there is no named deputy, the next most senior officer or member in the Service Area) and shall have the like power subject to making a written report of the exercise of the power to the original specified officer or member. In circumstances where both the specified officer /member and the deputy (or next most senior officer / member) are absent the power may be exercised by the next most senior available officer / member in the Service Area (provided that in no circumstances shall this power be exercised by an officer below the level of grade C subject to a report as above and to the officer exercising the power certifying in writing that they are of the opinion (and giving reasons for that opinion) that the matter is of such urgency that the exercise of the power cannot await the anticipated return of the named officer / member or their deputy.

3. **General Delegations to all Chief Officers as outlined in Article 12 of the Constitution**

- G (1) Authority to place orders for the supply of goods materials or services within approved estimates and in accordance with the Council's rules with regard to quotations.
- G (2) Authority to settle all claims, excluding remedy for complaints made on the Council under £200.
- G (3) Authority to carry out day-to-day management of the parks, cemeteries, crematoriums, land and buildings under the control of the Cabinet.
- G (4) Authority to authorise the installation of a telephone line in any employee's residence on terms approved by the Council.
- G (5) Authority to approve the attendance of staff at approved training courses.
- G (6) Authority to make appointments to posts on the approved establishment and in accordance with the Officer Employment Rules.
- G (7) Authority to agree remedies for a complaint at Stage 1
- G (8) Authority to Serve Notices requiring information for statutory purposes.
- G (9) Authority to accept suitable tenders for the execution of works or the supply of goods and services in accordance with the Codes of Procurement and Financial Practice.
- G (10) Authority, following consultation with a solicitor acting on behalf of the Council, to issue proceedings under Section 222 of the Local Government Act 1972.
- G (11) Authority to involve the Police to prosecute offenders where fraudulent or corrupt acts are discovered.

- G (12) Authority, following consultation with the relevant Portfolio Holder and Solicitor acting on behalf of the Council, to initiate proceedings in Courts subject to the results of prosecutions being reported to members via email.
- G (13) Make decisions under the provisions of the GDPR and DPA 2018.
- G (14) Serve Notices requiring information for statutory purposes.
- G (15) Authority to write off debts under their control up to £1,000
- G (16) Following consultation with a solicitor acting for the Council, take appropriate action in the County Court in cases of unlawful trespass on Council property.
- G (17) Grant honoraria to staff in accordance with the National Scheme of Conditions of Service.
- G (18) Apply market forces supplement for staff as in line with the Market Forces Supplement Scheme
- G (19) in consultation with the Head of People & Communications to approve the grant of loans under Assisted Car Purchase Scheme.

4. **Chief Executive** (and in their absence their Deputies) shall have authority to:

- CE (1) Authorise such officers as they think appropriate to exercise on their behalf the powers delegated to any Head of Service in the absence of that Head of Service.
 - CE (2) Settle all claims made on the Council over £200.
 - CE (3) Agree:
 - (1) any proposed remedy at stage 2 includes compensation. This will be considered by the Chief Executive as part of the investigator's report; and
 - (2) any proposed compensation following an investigation by the Local Government Ombudsman in consultation with the Head of Service.
 - CE (4) deal with urgent items that occur between meetings, in consultation with the relevant Deputy Chief Executive, Head(s) of Service (if available) and Group Leaders (or in their absence Deputy Group Leaders) subject to the matter being reported to the Cabinet at its next meeting.
- (This excludes a decision which is not wholly in accordance with the budget or policy framework approved by Council and the process outlined in the Budgetary Framework must be followed)
- CE (5) Issue authorisations under the Regulation of Investigatory Powers Act 2000 concerning juveniles.
 - CE (6) Take appropriate action in the event of the District Council Emergency Plan being enacted.
 - CE (7) Subject to consultation with the relevant Ward Councillor(s), site requests from the Police for the Council's agreement to the making of dispersal orders under section 4 of the Anti Social Behaviour Act 2003.
 - CE (8) **Moved to A(16)**
 - CE (9) make all changes to the establishment/structure of the council below the level of Chief Officers, as defined in Article 12 of the Constitution", in accordance with the Council's agreed budget
 - CE (10 – 11) SPARE
 - CE(12) in consultation with the Leader of the Council, to appoint an officer as representative of the Council as a director of AssetCo
 - CE (13) Grant all allowance or payment reviews which are automatically updated on an annual basis using either RPI or the National Pay Settlement.
 - CE (14) & (15) SPARE

CE (16) Approve severance payment, up to the equivalent of 12 months salary for the post, which is, in their opinion, in the Council's interests.

(With notification to Group Leaders and relevant Portfolio Holders of the decision)

CE (17) to SPARE
(19)

CE (20) Certify for the purposes of Section 3(2)(b) of the Local Government and Housing Act 1989 whether or not, in the Council's opinion, a post is politically sensitive by virtue of its duties falling within Section 2(3) of the Act.

CE (21) to SPARE
(24)

CE (25) Arrange for a community referendum for a neighbourhood plan to be undertaken.

5. The **Deputy Chief Executive (TP)** shall have authority to:

MO (9) to issue grants agreed by the Community Forums so long as they do not breach any legislative requirements, agreed policy or exceed the budget for the specific community forum.

MO (12) , in consultation with the Portfolio Holder for Community Protection, to take decisions on the operation of existing contract agreements within the VCS and the awarding of future service level agreements under the VCS in line with the Council's procurement process.

6. The **Head of Law & Governance:** shall have authority to

MO (1) Moved to A(16)

MO (2) Subject to consultation with Group Leaders, make appointments to outside bodies in accordance with the political balance already agreed.

MO (3) SPARE

MO (4) Subject to consultation with Group Leaders, set the calendar of meetings.

MO (5) In consultation with Head of Place & Economy, settle the amount of compensation for damage to land which the Council is legally liable to pay in consequence of works carried out or other action taken on behalf of the Council up to a maximum of £1000 in any one case.

MO (6) **Moved to Development**

MO (7) in consultation with the Chairman of the Standards Committee, shall have authority to appoint the membership of Standards Sub-Committees (Hearing Panels)

MO (8) appoint the membership of any additional Licensing & Regulatory Sub-Committees known as Licensing & Regulatory Panels.

MO (9) stayed with Deputy Chief Executive

MO (10) authority to approve the attendance of the Leader and Chairs of committees and other elected members at appropriate conferences and seminars for the purpose of recognising such attendance as approved duty for travelling.

MO (11) SPARE

MO(12) stayed with Deputy Chief Executive

MO (13) initiate reviews of the Members' Allowances Scheme;

MO (14) , in consultation with the Chairman of the Standards Committee and/or the Independent Person for the Council (as appropriate), the right to depart from the arrangements for dealing with complaints about Councillors where they consider that it is expedient to do so in order to secure the effective

- and fair consideration of any matter
- MO (15) , in consultation with an Independent Person for the Council, be authorised to determine if a complainants details can be withheld in line with agreed criteria established by the Standards Committee
- MO (16) to determine, for complaints about the conduct of Councillors, that:
- No further action be taken where complaints fall outside the Code or do not justify investigation and there is no informal resolution;
 - Resolution by informal action is acceptable to both the complainant and the Councillor;
 - Any allegations of criminal matters are referred to the Police;
 - The complaint is referred for investigation if the criteria defined by the Standards Committee is met.
- MO (17) to appoint an investigating officer to undertake an investigation regarding the conduct of a Councillor
- MO (18) , in consultation with an Independent Person, be authorised , following the conclusion of an investigation to determine if either
- (a) No further action be taken
 - (b) A Local resolution be sort
 - (c) The matter be referred for a hearing
- MO (19) , in consultation with an Independent Person, be authorised, following the conclusion of an investigation, to determine that a matter progresses to a hearing if the Councillor refuses to comply with the suggested local resolution.

7. The **Head of Assets** shall have authority to:

- AST (1) operate the Secure Tenants of Local Housing (Right to Repair) Regulations 1994 (including service of Notices and acceptance or refusal of claims).
- AST (2) negotiate and agree enhanced rates to existing contracts under the Local Government (Direct Services Organisation) (Competition) Regulations 1993 and the Council Directive 92/50/EEC.
- AST (3) **Moved to Housing**
- AST (4) Grant wayleaves and easements across Council owned land to other public organisations for both HRA and non HRA properties.
- AST (5) following consultation with ward councillors and the relevant Head of Service of the service area owning the land, dispose of other interests in land including its sale where the consideration does not exceed £20,000 and also to accept the Surrender of leases where the value does not exceed £20,000.
- AST (6) in consultation with ward councillors and the relevant Head of Service of the service area owning the land, to initiate proceedings for forfeiture of Leases.
- AST (7) agree rent reviews, for non HRA properties, where agreement on the new rent has been reached without recourse to arbitration.
- AST (8) Grant terminable licences, for non HRA properties, for access and other purposes.
- AST (9) Manage and control properties acquired by the Council in advance of requirements (other than those held under Part V of the Housing Act 1957 where consultation with the Head of Housing is required).
- AST (10) **Duplicate of AST (3) - delete**

- AST (11) **Moved to Housing**
- AST (12) following consultation with a solicitor acting for the Council, enter into miscellaneous agreements of a minor nature affecting any land and/or property not provided for elsewhere.
- AST (13) Following consultation with a solicitor acting for the Council, consent to assignment and other consents required under leases granted by the Council.
- AST (14) Following consultation with a solicitor acting for the Council, complete the purchase of property comprised in a confirmed Compulsory Purchase Order on the terms negotiated by the District Valuer and to make any relevant statutory payments in connection with acquisitions, such as well-maintained and home loss and disturbance payments.
- AST (15) , in consultation with the Head of Financial Services, decline offers of property not recommended for acquisition.
- AST (16) to approve a rental holiday for any non HRA property subject to either a maximum of 12 months or £20,000 whichever is the lowest and the holiday being reported in the quarterly budget monitoring report to Cabinet.
- AST (17) Grant new leases, for non HRA properties, where statutory renewal rights exist.

8. The **Head of People & Communications** shall have authority to:

- PC(1) Exercise the Council's powers relating to people management in accordance with the policies agreed by the Employment Committee.
- PC(2) Approve advancement of increments to all staff.
- PC(3) Approve the payment of removal and relocation expenses in accordance with the scheme adopted by the Council.
- PC(4) Nominate first aiders in accordance with the First Aid at Work Regulations 1981.
- PC(5) In liaison with the Monitoring Officer, provide appropriate practical and financial support to proceedings which employees, who have suffered violence in the course of their employment, might wish to bring.
- PC(6) implement national wage and salary awards and conditions of service, except where discretion is to be exercised on assimilation of revision of scales.

9. The **Head of ICT** shall have authority to:

- ICT (1) Act under the provisions of either the Public Health Act 1925 or Town Improvement Clauses Act 1847 to
 - (i) deal with the numbering and re-numbering of properties;
 - (ii) approve the naming of streets following consultation with the appropriate Parish or Town Council.
- ICT (2) Act under the provisions of either the Public Health Act 1925 or Town Improvement Clauses Act 1847, inline with adopted Street Naming & Numbering policy of the Council, to
 - (i) deal with the numbering and re-numbering of properties;
 - (ii) approve the naming of streets following consultation with the appropriate Parish or Town Council.

10. **Head of Financial Services** shall have authority to:

- F (1) Approve or refuse applications for advances for house purchase (in accordance with the scheme approved by the Council).
- F (2) Approve Determined and Variable Rates of Interest for housing advances.
- F (3) Approve individual schemes within the agreed principles of the loan underwriting agreement with the Nationwide Building Society.
F(4) moved to Head of Revenue & Customer Services
- F (5) to set the council Tax base.
- F (6) Increase fees and charges by changes in national taxation or levies.
- F (7) Write off sundry debts, Finance function debts and all other debts, including property rentals.
- F (8) in consultation with the Head of Place & Economy, deal with offers by owners to convey property to the Council where such property is in the area of a Compulsory Purchase Order awaiting confirmation.
- F (9) Moved to A(17)
- F (10) Maintain Accounting Records and Control Systems and the production of all relevant accounts and claims in accordance with the Accounts and Audit Regulations.
- F (11) to add further bodies, in consultation with Group Leaders and Monitoring Officer, to the list of those for which attendance allowance may be paid.
- F (12) (i) effect all necessary insurances to protect the Council's property and interests; and
 - (ii) settle all insurance claims made against the Council by third parties.
- F (13) (i) manage the Council's cash flow (including the collection fund), placing short term investments and arranging loans in accordance with the approved Treasury Management Strategy; and
 - (ii) make such banking arrangements, including opening of banking accounts, as appear necessary for the proper management of the Council's finances.
- F (14) (i) maintain an adequate and effective system of internal audit;
 - (ii) manage the Council's investments;
 - (iii) manage the Council's borrowing requirement; and
 - (iv) set the determined rate of interest and the variable rate of interest on housing advances.**F(15) & (16) moved to Head of Revenue & Customer Services**

- F (17) , in consultation with the Portfolio Holder for Resources and the Leader, to produce appropriate and robust standards terms and conditions for the purchase of service or goods by this Council, and ensure that they are available on the Council's website.
- F (18) The S151 Officer, in consultation with the Portfolio Holder for Resources, approves the form NNDR1.
- F (19) in consultation with the Portfolio Holder for Resources, has delegated authority to agree revenue and capital slippage at year end, above items already allowed for in the Budget process, with these being reported to Members as part of the subsequent Final Accounts report to Cabinet
- F (20) in consultation with the Portfolio Holder for Resources, is duly authorised to approve any business rate relief changes agreed by the Government to be incorporated into the 2020/21 Business Rate Billing.

11. The **Head of Revenues & Customer Services** shall have authority to:

- ~~F (4)~~
RCS (1) appear in Court when legal action is taken against a person who has made a fraudulent claim for Housing or Council Tax Benefit, or Council tax Reduction or other fraudulent claims against the Council.
- ~~F (15)~~
RCS (2) take the following action under the NNDR and Council Tax Regulations:
 - (i) Applications for certificates and the sanction of appropriate relief (apportionment of rateable value of partly occupied hereditaments);
 - (ii) Granting and refusal of mandatory relief under the Council Tax and Rating Regulations;
 - (iii) Approve applications for discretionary rate relief.
 - (iv) Refunds of Council Tax, Business Rates and Council Tax;
 - (v) Institution of legal proceedings against ratepayers for recovery outstanding rates and Council Tax;
 - (vi) Authority under Section 223(1) of the Local Government Act 1972 to represent the Council in making formal complaint and taking the subsequent proceedings in the local Magistrates Court.
 - (vii) Authority to serve completion notices under the appropriate Council Tax and Rating regulations;
 - (viii) Authority to instruct Enforcement Agents to take control of goods, issue requests for information, apply Attachment of earnings Orders and deductions from Income Support, Charging Orders;
 - (ix) Selection and appointment of Enforcement Agents;
 - (x) Authority to quash penalties;
 - (xi) Authority to appeal against any Assessment of Council Tax banding or rating assessment;
 - (xii) Authority to represent the Council at Valuation Tribunals in connection with appeals against: liability to pay the Council Tax including discounts, exemptions and reductions , and the banding of a dwelling;
 - (xiii) Authority to represent the Council at Housing and Council Tax Benefit tribunals in connection with appeals against housing and council tax benefit.
 - (xiv) Authority to write off irrecoverable Council Tax, Non-Domestic Rates and Housing Benefit Overpayments;
 - (xv) Authority to consider and determine applications for Hardship relief under Section 49 of the Local Government Finance Act 1988;
 - (xvi) to determine discretionary council tax relief applications.

- ~~F(16)~~
RCS (3) (i) Decide upon all claims received for Housing, Council Tax Benefit or Council Tax Reduction including the exercising of all discretions under the general policy guidance from time to time given by the Council.
- (ii) Assess overpayments under the Regulations and taking such steps as are appropriate to recover the amount overpaid.
- (iii) Decide upon all claims for Discretionary Housing and Council Tax Payments.
- ~~F(21)~~
RCS (4) provide discretionary relief, as set out within the Council Tax Section 13a Discretionary Relief Policy Statement

12. **Head of Development** shall have authority to:

- DS (1) Object on environmental and other grounds to applications for goods vehicle operators licences, such objections to be reported to the Committee for instruction as to whether an appearance should be entered at any hearing which might take place into the objection.
- DS (2) Serve notices and where necessary, carry out works in default and recover costs in relation to the maintenance and improvement of watercourses under the Land Drainage Act 1976.
- DS (3) moved to Place and Economy**
- DS (4) (i) approve or reject plans deposited under the Building Regulations as amended from time to time and under related provisions of the Public Health Acts, Highways Acts and Building Act 1984;
- (ii) SPARE;
- (iii) require the carrying out of tests under Section 33 of the Building Act 1984;
- (iv) take emergency measures to deal with dangerous buildings under Section 78 of the Building Act 1984;
- (v) deal with intended demolitions under Section 80 of the Building Act 1984;
- (vi) exercise powers contained in Section 2 of the Building Act 1984 (continuing requirements);
- (vii) reject, or pass with conditions, plans deposited under Section 19(1) and (3) of the Building Act 1984 (use of short lived materials)
- (viii) exercise powers contained in Section 25 of the Building Act 1984(Provision of water supply);
- (ix) exercise the powers contained in Section 25 of the Local Government (Miscellaneous Provisions) Act 1982 (approval of building plans provisionally or by stages).
- DS (5) In consultation with a solicitor acting on behalf of the Council, apply to Magistrates Court for an order under Section 77 of the Building Act 1984 (dangerous buildings).
- DS (6) Exercise powers contained in Section 78 of the Buildings Act 1984 (dangerous buildings - emergency measures).
- DS (7) Receive notices served on the Council under Section 80 of the Building Act 1984 (intended demolition).

- DS (8) Serve notices in respect of the following Building Act 1984:-
- (i) Section 32 - lapse of deposit of plans
 - (ii) Section 35 - penalty for contravening the Building Regulations
 - (iii) Section 36 - removal or alteration of offending works
 - (iv) Section 47 - acceptance of Initial Notices
 - (v) Section 59 - drainage of buildings
 - (vi) Section 60 - use and ventilation of soil pipes
 - (vii) Section 71 - provision of entrances exits etc.
 - (viii) Section 72 - means of escape from fire
 - (ix) Section 73 - raising of chimneys
 - (x) Section 74 - cellar and rooms below sub-soil water level
 - (xi) Section 79 - ruinous and dilapidated buildings and neglected sites
 - (xii) Section 81 - demolitions
 - (xiii) Section 95/96 - power to enter premises
- DS (9) Pay Historic Building Grants under S.57 and 58 of the Planning (Listed Buildings & Conservation Areas) Act 1990.
- DS (10) Make payments in respect of town scheme grants, conservation areas partnership scheme and the Programme Town Scheme Grants from monies made available under and in accordance with S.57, 77 to 80 (inclusive) of the Planning (Listed Buildings & Conservation Areas) Act 1990.
- DS (11) Respond to preliminary consultations received from Warwickshire County Council on applications for the diversion, creation and extinguishment of public paths.
- DS (12) Serve notices and where necessary carry out works in default and recover costs in relation to the demolition of buildings.
- DS (13) Serve notices concerning the addition to deletions from or amendment to the list of buildings for special architectural or historic interest, as required by the Department of Culture, Media and Sport
- DS (14) Appoint an Officer for the authority to deal with the purposes of the Party Wall Act 1996.
- DS (15) Apply to the Magistrates Court for Warrant to enter land and/or buildings in accordance with powers provided in the Town and County Planning Act 1990, Planning and Compensation Act 1991, Planning (Listed Buildings and Conservation Area Act) Act 1990 and Building Act 1984.
- DS (16) Formulate operational details of the grant scheme established for any unmatched funding from the Council's contribution to the Conservation Area Partnership Scheme for Royal Leamington Spa, based on the terms and conditions of the existing historic buildings scheme of grants as constituted under Section 57 and 58 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to offer grants.
- DS (17) Serve notices and, where necessary to recover costs incurred in relation to:-
- (i) enforcement of liability to maintain un-adopted highways;
 - (ii) interference with highways and streets;
 - (iii) the undertaking of urgent repairs to private streets;
 - (iv) carriage crossings.
- DS(18) to DS(20) moved to Place and Economy**
- DS (21) Spare
- DS(22) moved to Place and Economy**

- DS (23) Following consultation with a solicitor acting for the Council, complete the purchase of property comprised in a confirmed Compulsory Purchase Order on the terms negotiated by the District Valuer and to make any relevant statutory payments in connection with acquisitions, such as well-maintained and home loss and disturbance payments.
- DS (24) **Moved to Place and Economy.**
- DS (25) Following consultation with the Leader, vary building control charges in order to meet the financial obligations placed on the service where such action is required outside the normal timescale for consideration of fees and charges by the Cabinet.
- DS(26) **Moved to Place and Economy**
- DS(27-33) SPARE
- DS (34) Formulate and issue decision notices following consideration by the Planning Committee in accordance with the resolution of the Planning Committee.
- DS (35) Make observations on County Matter applications or applications submitted by Warwickshire County Council under Regulation 3 of the Town and Country Planning General Regulations 1992.
- DS (36) Respond to all notifications for prior approval submitted under the Town and Country Planning (General Permitted Development) Order 1995.
- DS (37) Determine all applications to discharge conditions imposed on planning permissions and other forms of consent.
- DS (38) Determine all applications for non-material amendments to planning permissions or other forms of consent.
- DS (39) Determine all applications for Certificates of Lawfulness under Section 191 (Existing Use/Development) or Section 192 (Proposed Use/Development) of the Town and Country Planning Act 1990.
- DS (40) Determine applications for consent to lop or fell trees which are the subject of Tree Preservation Orders.
- DS (41) Respond to notifications for works to/the felling of trees in Conservation Areas.
- DS (42) Approve the making, varying and revoking of Tree Preservation Orders. In the case of making and varying (where new trees are added to an existing order) and if no objections are received, to confirm the orders.
- DS (43) Determine hedgerow removal notices, including the serving of hedgerow retention and replacement notices with regard to important hedgerows.
- DS (44) Respond to enquiries; complaints and appeals relating to high hedges; to issue and serve; vary and withdraw High Hedge Remedial Notices.
- DS (45) Confirm Tree Preservation Orders to which there are objections, following the authorisation of that confirmation the Planning Committee.
- DS (46) Serve Tree Replacement Notices; to respond to appeals made in respect of Tree Replacement Notices.
- DS (47) Issue screening and scoping opinions in respect of the need for, and content of, Environmental Assessments in accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999.

- DS (48) Serve and withdraw notices in respect of the following: Town and Country Planning Act 1990 (TCPA) and Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCAA) as amended
- (i) Section 187A (TCPA) – Breach of Condition Notices.
 - (ii) Sections 183 to 187 (TCPA) – Stop Notices.
 - (iii) Sections 171A to 182 (TCPA) – Enforcement Notices in connection with Stop Notices.
 - (iv) Section 215 (TCPA) – Land adversely affecting the amenity of the neighbourhood.
 - (v) Section 172 – 173A (TCPA): Enforcement Notices, following consultation with the Chair and Vice Chair of the Committee and the relevant ward member(s) except in the circumstances where the Head of Development considers it appropriate for that matter to be determined by Planning Committee.
 - (vi) Section 38(PLBCA): Listed Building Enforcement Notice, following consultation with the Chair and Vice Chair of the Committee and the relevant ward member(s) except in the circumstances where the Head of Service considers it appropriate for that matter to be determined by Planning Committee.
 - (vii) Sections 171E – H (TCPA): Temporary Stop Notices.
 - (viii) Section 171C (TCPA): Planning Contravention Notices.
 - (ix) Section 187B (TCPA); 44A (LBCA) and 214A (TCPA): apply to the Court for injunctions directed at restraining actual or apprehended breaches of planning control; unauthorised work to Listed Buildings; and actual or apprehended damage to Conservation Area Trees.
 - (x) Section 48 (LBCA): Listed Building Repairs Notices.
 - (xi) Section 220 1 (TCPA) and/or Section 224 1b (TCPA) – Discontinuance Notices in accordance with Regulation 8 of the Town and Country Control of Advertisement Regulations 2007
 - (xii) Section 54 (LBCA): Urgent works to preserve listed buildings
 - (xiii) Section 55 (LBCA): Recovery of expenses of works under s. 54.
- DS (49) Section 171BA (TCPA): the application to the court for a Planning Enforcement Order.
- DS (50) Section 171BB (TCPA): the issue of Certificates under this section confirming the date on which evidence of a breach sufficient to justify an application under Section 171BA was identified.
- DS (51) Section 172A (TCPA): the issue and withdrawal of assurances (by letter) to parties on whom an Enforcement Notice has been served concerning prosecution.
- DS (52) Section 201 4C (TCPA): the issue of Certificates confirming the date on which evidence sufficient to prosecute for non-compliance with a Tree Preservation Order came to the prosecutors knowledge.
- DS (53) Section 224 9 (TCPA): the issue of Certificates confirming the date on which evidence sufficient to prosecute for advertisement offences came to the prosecutor's knowledge.
- DS (54) Section 225A (TCPA): the removal of unauthorised structures used for advertisements displays.
- DS (55) Sections 225A (3-6) (TCPA): the service of removal notices in respect of unauthorised advertisement display structures.
- DS (56) Section 225A(7) (TCPA): the recovery of expenses incurred in the Council's removal of unauthorised advertisement display structures.

- DS (57) Section 225B (TCPA): the response to appeals made in respect of Notices served under Section 225A.
- DS (58) Section 225C (TCPA): the service of Action Notices in respect of persistent unauthorised advertisement displays.
- DS (59) Section 225C (TCPA): the undertaking of the requirements of Action Notices and the recovery of the costs incurred in doing so.
- DS (60) Section 225D (TCPA): the response to appeals made against Action Notices.
- DS (61) Sections 225F, G and H (TCPA): the remedy of the defacement of premises by means of the service a notice under these sections.
- DS (62) S225F, G and H (TCPA): the undertaking of the requirements of a notice issued under these sections and the recovery of costs incurred in doing so.
- DS (63) Section 225I (TCPA): the response to appeals made in respect of notices issued under sections 225F, G and H.
- DS (64) Section 225J: the remedy of the defacement of premises at the request of the owner/occupier and the recovery of reasonable costs incurred in doing so.
- DS (65) Section 225 (TCPA): to remove or obliterate placards or posters which are in contravention of the Advertisement Regulations.
- DS (66) To issue notices under S330 of the Town and Country Planning Act 1990 (Requisition for Information).
- DS (67) To instigate legal proceedings under the following provisions:
- i. Section 171D (TCPA): non compliance with Planning Contravention Notices;
 - ii. Section 171G (TCPA) non compliance with Temporary Stop Notices;
 - iii. Section 179 (TCPA) non compliance with Enforcement Notices;
 - iv. Section 187 (TCPA) non compliance with Stop Notices
 - v. Section 178A (TCPA) non compliance with Breach of Condition Notices;
 - vi. Section 43 (LBCA) non compliance with Listed Building Enforcement Notices;
 - vii. Section 59 (LBCA) unauthorised work to Listed Buildings;
 - viii. Section 210 (TCPA) non compliance with Tree Preservation Orders;
 - ix. Sections 211 – 212 (TCPA): non - preservation of trees in Conservation Areas;
 - x. Sections 215 and 216 (TCPA) non compliance with Section 215 (Untidy Land) Notice;
 - xi. Section 224 (TCPA) unauthorised advertisement display;
 - xii. Section 97 (Environment Act 1995) contravention of the Hedgerow Regulations;
 - xiii. Section 75 (Anti-social Behaviour Act 2003) non compliance with high hedge remedial notices.
 - xiv.
- DS (68) **Moved to Place and Economy**
- DS (69) Approve temporary stand structures under the Public Health Act 1890 (Section 37).

- DS (70) Determine all applications submitted to Warwick District Council as required by the Town and Country Planning Act 1990 (as amended), Town and Country Planning (Control of Advertisement) Regulations 1992, and Planning (Listed Buildings and Conservation Areas) Regulations 1990, with the exception of the following:
- (i) Applications where a written request is received from a member of Warwick District Council within the specified consultation period i.e. 21 days. that Committee referral is required. Such requests should clearly state the reasons why a Committee referral is required
 - (ii) Applications where 5, or more valid representations are received where these are contrary to the officers' recommendation unless the Head of Development is satisfied that the plans have been amended to address the concerns raised so that there are no more than four contrary representations.
 - (iii) Applications where the recommendation of the Head of Development i.e. Grant/Refuse is contrary to the representations made by a Parish/Town Council, i.e. Object/Support, except in the following circumstances:
 - a. the Head of Development is satisfied that the plans have been amended to address the concerns of the Parish/Town Council;
 - b. where the representations made by the Parish/Town Council do not raise any issues which are material to the planning assessment of the particular application; or
 - c. where the concerns of the Parish/Town Council have been previously considered as part of the assessment of an extant permission on the site and there has been no change in circumstances
 - (iv) Applications where the principle of development would represent a material departure from any policy within the Development Plan.
 - (v) Applications known to be submitted by or on behalf of a Warwick District Councillor, Warwick District Council employee or former employee of the Council, or the spouse/partner of any such person.
 - (vi) Applications submitted by Warwick District Council or Warwickshire County Council, other than for approval of routine minor developments.
 - (vii) Where applications are to be refused and enforcement action is being recommended, following consultation with the Chair and Vice Chair of the Committee and the relevant ward member(s) except in the circumstances where the Head of Development considers it appropriate for that matter to be determined by Planning Committee.
 - (viii) Applications where an Environmental Impact Assessment has been provided.
 - (ix) Any application which raises significant issues such that in the opinion of the Head of Development, it would be prudent to refer the application to Planning Committee for decision.
- DS (71) Decline to determine planning applications in accordance with the relevant provisions of the Town and Country Planning Act 1990 as amended.
- DS (72) Make representations on behalf of the Council as Local Planning Authority, on relevant applications under the Licensing Act 2003.

- DS (73) In consultation with the Planning Committee Chairman and relevant Portfolio Holder, issue a grant of permission without a Section 106 agreement first being signed, where the original committee resolution requires the prior completion of a Section 106 legal agreement or payment on Community Infrastructure Levy, but where a consultee who required the agreement no longer considers an agreement is necessary and a planning condition can be used to cover their requirements.
- DS (74) Moved to Place and Economy
- DS (75) Moved to Place and Economy
- DS (76) Moved to Place and Economy
- DS (77) Moved to Place and Economy
- DS (78) Moved to Place and Economy
- DS (79) Moved to Place and Economy
- DS (80) Moved to Place and Economy
- DS (81) Moved to Place and Economy
- DS (82) To enter into Agreements providing for the transfer of funds (for capital works or commuted sums for a limited period of maintenance) received as a result of planning obligations under Section 106 of the Town and Country Planning Act 1990 to a Parish or Town Council, where it is deemed appropriate for the Parish or Town Council to provide the infrastructure which is the subject of the planning obligation.
- DS (83) to determine submissions made in accordance with the High Speed Rail Act, except for any submission where, in consultation with the Chairman of Planning Committee (or in the absence the Chairman the Vice-Chairman), they consider that it should be determined by Planning Committee.
- DS(84) Moved to Place and Economy
- DS(85) Moved to Place and Economy
- ~~MO (6)~~ Respond and carry out consultations concerning the making of Public
- DS(86) Footpath, Creation, Diversion and Extinguishment Orders and to confirm if no objections are made.

13. Head of Community Protection shall have authority under the:

- HCP(1) Food Safety Act 1990 and any Orders, or Regulations or other instruments (whether dated before or after the date of execution of this instrument of appointment),
- (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act. s 6
- (ii) to authorise appropriate named individuals to act as Food Safety Officers to:-
- s 9 - Inspection and seizure of suspected food
 - s 10 - Service of hygiene improvement notices
 - s 12- Services of emergency prohibition notices
 - s 29 - Procure samples
 - s 32 - Powers of entry
 - s 49 - Form and authentication of documents
- HCP(2) Building Act 1984,
- (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act. S 61, 62, 63 & s 113
- (ii) to act under Part III Other Provisions about Buildings as follows
- Drainage
- s 59 – Serve notice, drainage of buildings, including private sewers
 - s 60 – Serve notice, ventilation of soil pipes
 - s - 62 - Disconnection of drain

Provision of Sanitary Conveniences

s 64 – Serve notice, provision of closets

s 65 – Serve notice, provision of sanitary convenience in workplace

s 66 – Serve notice, replacement of earth closet

s 68 – Serve notice, erection of public conveniences

Buildings

s 70 – Serve notice, provision of food storage

s 73 – Serve notice, raising of chimneys

Defective premises, demolition etc

s 76 – Serve notice, defective premises

Yards and passages

s 84 – Serve notice, paving and drainage of yards and passages

Part IV General

Entry on premise

s 95 & 96 – Powers of entry to inspect

Execution of works

s 97- Power to execute works

s 99- Serve notice requiring works, execute/recover costs

HCP(3)

Clean Air Act 1993,

(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act. Part I (Dark Smoke), Part 2 (Smoke, grit and fumes), Part 3 (Smoke Control Areas), Part 4 (Cable burning), Part 7 (Miscellaneous and general))

(ii) to:-

s 6 – Approval of furnaces and grit and dust arrestment plants

s 10, 11, 12 & 56 – Powers of entry, inspection, issue notice and apply for warrant

s 15 & 16 – Approval or refusal of chimney height

s 18 – Make smoke control order

s 24 - Require adaptation of fireplaces in private dwellings

s 26 – Make grants

s 31, 32, 33 & 34– Power to investigate

s 35, 36 & 58 – Power to require information and associated powers of entry

s45 – Power to issue exemption notices

s 51 – Power to serve notice

HCP(4)

Clean Neighbourhoods and Environment Act 2005,

(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act(ii) to:-

Make a gating order (inserted into the Highways Act s 129)

s 73 – Issue FPN (alarms)

s 78 – Apply for a warrant

s 77 & 79 – Powers of entry

HCP(5)

Control of Pollution Act 1974,

(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act, Part V

(ii) to:-

s 9 – Supervision of licensed activities

s 60 – Serve notice, to control noise on constructions sites

s 61 – Consent for works

s 62 – Take action in respect of loudspeakers in the street

s 91 – Powers of entry

s93 – Powers to obtain information

- HCP(6) Environmental Protection Act 1990,
 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act.
 (ii) to:-
 Part 1- Integrated Pollution Control
 s 6 - Issue authorisation
 s 10, 11 & 12 - issue variation and revocation notices
 s 13 & 14 - issue enforcement and prohibition notices
 s 19 – Power to require information
 Part II - Waste
 s 33 – prohibit unauthorised/ harmful treatment/disposal of waste.
 s 33ZA and 34A – power to issue fixed penalty notices
 s 34 – Investigation of duty of care and issue fixed penalty notice for failure to furnish documentation
 ss 46A to 47ZB – powers to issue written warnings and fixed penalty notices with respect to receptacles for waste
 s 59 – Power to require removal of unlawful waste deposits
 Part IIA - Contaminated land
 s 78 B – Notice, identification of contaminated land
 s 78 C – Notice, Designation of special site
 s 78 D – Referral of special site
 s 78 E – Remediation notice
 s 78 N – Power to carry out works
 Part III – Statutory Nuisance
 s79 – duty to inspect and to investigate statutory nuisances
 s 80 & 80A - issue abatement notices
 s 80ZA – Fixed penalty notice
 s 81(3) - Power to authorise works in default
 s 81(7) & Sched 3 – Powers of entry
 Sched 3 – Warrant of entry
 s 81A – power to issue notices in respect of recoverable expenses
 Part IV – Litter etc
 s 88 – Fixed penalty notice
 Part VIII – Miscellaneous
 s 149 – Seizure of stray dogs
 s 150 – Facilitate stray dogs
 s 151 – Enforcement in respects of collar and tags
- HCP(7) The Local Authorities (Functions and Responsibilities) (England) Regulations 2000
 to the extent that those functions are discharged otherwise than in the Authority's capacity as an employer) under –
 (a) The Health and Safety at Work etc Act 1974; and
 (b) any Orders, or Regulations or other instruments (whether dated before or after the date of execution of this instrument of appointment);
 (i) made thereunder or
 (ii) having effect by virtue of the European Communities Act 1972 and relating to health & safety; and
 (iii) any modification or re-enactment of the foregoing,
 to make and to terminate appointments as follows:
 (a) Environmental Health Officers as Inspectors under Section 19(1) of the Health & Safety at Work Etc. Act 1974 (the 1974 Act) and to empower them to exercise all the powers set out in Sections 20, 21, 22, 25 and 39 including the institution of legal proceedings; and
 (b) other suitably qualified and competent persons as Inspectors under

	<p>Section 19(1) of the 1974 Act and empowered to exercise all or some of the powers as set out in Sections 20 and as may be specified in their authorisation and an inspector shall in right of his appointment -</p> <p>(i) be entitled to exercise only such of those powers as are so specified; and</p> <p>(ii) be entitled to exercise the powers so specified only within the field of responsibility of the Authority.</p> <ul style="list-style-type: none"> - relevant licences, registrations and approvals - sign and serve notices including fixed penalty notices - authorise and/or execute works in default - Procure samples, seize equipment, records, goods and articles, and obtain information - Obtain and execute power of entry - Engage specialist advisers/contractors - Determine whether and in what manner to enforce any failure to comply with matters under legislation enforced under this scheme of delegation and to give effect to that determination, including the administration of cautions.
HCP(8)	<p>The Environmental Damage (Prevention and Remediation) Regulations 2009 (as amended),</p> <p>(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act Reg 34</p> <p>(ii) to:-</p> <ul style="list-style-type: none"> Reg 13, 14, 20 - Serve notice to prevent further damage Reg 23 - Undertake works in default Reg 24 & 25 -Recover costs Reg 31 – Powers of authorised person Reg 32 - Require information
HCP(9)	<p>Food Safety and Hygiene (England) Regulations 2013,</p> <p>(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act. Regulation 19</p> <p>(ii) to:-</p> <ul style="list-style-type: none"> Reg 5, Enforcement of hygiene regulations Reg 6, Hygiene improvement notices Reg 8, Hygiene emergency prohibition notices Reg 9, Remedial action Reg 10, Detention notices Reg 14 & 15, Samples Reg 16, Powers of entry and Reg 29, Certification of food
HCP(10)	<p>Contaminants in Food (England) Regulations 2013,</p> <p>Following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Regulations.</p>
HCP	(11- 12) SPARE
HCP(13)	<p>Local Government (Miscellaneous Provisions) Act 1982,</p> <p>(i) Following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act</p> <p>(ii) to:-</p> <ul style="list-style-type: none"> Part II – Control of Sex Establishments Sched 3, 6-18 - grant, renew, and vary licences of persons and premises where no objections are received make any minor grammatical or minor wording amendments to the Sex Establishment Policy, so long as it they do not alter the meaning/spirit of the policy Part III – Street Trading Schedule 4, paragraphs 3 - 7, Street Trading licences and consents, grant, and variation in line with the street trading policy so long as no objections

- received; and issue renewals so long as no objections received
Part VIII – Acupuncture, Tattooing, Ear-piercing and Electrolysis
13 – 17.
Part XI Public Health, etc
27, 29, 32
- HCP(14) The Environmental Permitting (England and Wales) Regulations 2010 & 2016
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
2010 Act
Part 2, Chapter 2(13) Grant permit, Chapter 3 (20 Vary permit, 21 Transfer permit, 22 & 23 Revoke permit, 24 Surrender, Chapter 4 (26 Consultations, 29 Revocation of standard rules, 30 Variation notifications
Part 4, Reg 36 Enforcement notices, Reg 37 Suspend notices. Part 6, Reg 57 Power to prevent or remedy pollution, Reg 60 Power to require information
- HCP(15) Sunbeds (Regulation) Act 2010
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
s 4 – Power to restrict use, sale or hire
s 7 – Enforcement and powers of entry
- HCP(16) Planning (Hazardous Substances) Regulations 1992 (as amended by the Planning (Control of Major-Accident Hazards) Regulations 1999 & 2015) and associated Regulations.
act under and delegated authority to authorise appropriate named individuals:
to grant but not refuse hazardous substances consents either unconditionally or subject to conditions.
- HCP(17) Health Act 2006
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
Sched 2 – Powers of entry
s 9 – Issue fixed penalty notices
- HCP(18) Health and Safety (Enforcing Authority) Regulations 1989
deal with transfers of responsibility for enforcement between this authority and the Health and Safety Executive under Section 5
- HCP(19) Food & Environmental Protection Act 1985
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
Part I – Contamination of food
s 3 & 4 Investigation and enforcement
Part III – Pesticides Etc. - Inspection and enforcement
Including Regulation (EC) 852/2004, (EC) No. 853/2004, Regulation (EC) No. 854/2004 of the European Parliament and Food Safety and Hygiene (England) Regulations 2013
- HCP(20) Water Industry Act 1991
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
s 77 – 83, including service of Notices under s 80
s 84 & 85, power of entry and to obtain information

- HCP(21) Noise Act 1996
 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 (ii) to:-
 s 3 – Serve warning notice
 s 8 – Require name and address
 s 10 – Seizure and retention
 Consent to use loudspeaker (COPA 74 – s 62)
- HCP(22) Pollution Prevention and Control (England & Wales) Regulations 2000
 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under s 32 the Act
 (ii) to:-
 Part I General
 Reg 6 – Notices
 Reg 7 – Applications
 Part II Permits
 Reg 10 – 22
 Part III Enforcement
 Reg 24 – Enforcement notice
 Reg 25 – Suspension notice
 Reg 26 – Prevent or remedy pollution
 Part V Information and Publicity
 Reg 28 – Require information
 Reg 29-31 – Maintain a public register
 Sch 3, 4, 7, 8 & 10
- HCP(23) Sunday Trading Act 1994
 exercise powers under Part 1 of Schedule 2
- HCP(24) Pollution Prevention and Control Act 1999 (as amended)
 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 (ii) to:-
 Sched 1 – Grant, revoke, vary, transfer, suspend and condition permits and carry out enforcement activities.
- HCP(25) Local Government (Miscellaneous Provisions) Act 1976
 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 (ii) to:-
 Part 1 General
 Land
 s 16 – Require information
 Places of Entertainment
 s 20 – Provision of sanitary facilities at places of entertainment
 Miscellaneous
 s 35 – Service of notice and works in default provisions
 Part II Hackney carriages and Private Hire Vehicles
 s 47 – Licensing of hackney carriage (conditions, vehicle design, appearance)
 s 48 – Licensing of private hire vehicles
 s 49 – Transfer of hackney carriages and private hire vehicles
 s 50, 53 & 56 – production of information in relation to hackney carriages
 s 51 – Licensing of drivers of private hire vehicles
 s 53 – Drivers licences for hackney carriages and private hire vehicles
 s 54 – Issue driver badges
 s 55 – Licensing of operators of private hire vehicles

- s 57 – Power to require information
- s 58 – Return of plates
- s 60 - Suspension & revocation of vehicle licence
- s 61 – Suspension of operator licence
- s 62 – Suspension and revocation of operator’s licence
- s 64 – Prohibition of other vehicles on hackney carriage stands
- s 68 – Inspection and testing of hackney carriage
- s 70 – Set fees
- s 73 – Powers in relation to obstruction
- HCP(26) Prevention of Damage by Pests Act 1949
 - (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 - (ii) to:-
 - s 4 – Notice to owner or occupier
 - s 6 – Notice across several properties
- HCP(27) Public Health Act 1936
 - (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 - (ii) to:-
 - s 45 - Notice to put defective closets into repair
 - s 48 - Power to examine and test drains
 - s 50 - Notice with regard to cesspool
 - s 52 - Powers in relation to care of sanitary conveniences used in common
 - s 78 - Scavenging of common courts and passages
 - s 79 - Notice regarding noxious matter
 - s 83 - Notice regarding filthy or verminous premises
 - s 84 - Destruction of articles
 - s 85 - Persons and clothing with associated work and agreement, works in default
 - s 140 - Power to close, restrict use of water from polluted source of supply
 - s 141 - Power to deal with insanitary cisterns,
 - s 259 - Nuisance in connection with water courses etc
 - s 264 - Notice to repair, maintain or cleanse a culvert
 - s 268 - Notice regarding execution of work to unfit tents, vans and sheds
 - s 275 - Power of local Authority to execute certain work on behalf of owners or occupiers
 - s 287 - Notice to occupier of intended entry (warrant)
- HCP(28) Public Health Act 1961
 - (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 - (ii) to:-
 - s 17- Power to remedy stopped and defective drains
 - s 22 – Power to cleanse or repair drains
 - s 35 - Notices in respect of filthy and verminous premises or articles
 - s 36 - Power to require vacation of premises during fumigation
 - s 37 - Prohibition of sale of verminous articles, disinfection or destroy
 - s 287- powers of entry
- HCP(29) Private Security and Industry Act 2001
 - (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 - (ii) to:-
 - s 19 – 22 – Powers of entry, inspection and information

- HCP(30) The Private Water Supplies Regulations 2009
 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under s 20 of the Act
 (ii) to:-
 Part 2
 s 7 – Monitoring
 s 11 – Sampling and analysis
 Part 3
 s 16 & 17 – Authorisation
 Part 4
 s 18 – Service of notice
- HCP(31) The Trade in Animal and Related Products Regulations 2001
 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 (ii) to:-
 Reg 33 – Powers of entry
 Reg 34 – Powers of authorised officers
- HCP(32) Public Health (Control of Disease) Act 1984
 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 (ii) to:-
 s 46 – Burial and cremation
 s 48 – Removal of dead bodies (warrant)
 s 61 & 62 – Powers of entry
- HCP(33) Spare
- HCP(34) The Transmissible Spongiform Encephalopathies Regulations 2010
 Following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act.
 to act under and delegated authority to authorise appropriate named individuals to perform duties under the act including: powers of entry, inspection, sampling, detention and seizure, service of notice.
- HCP(35) The General Food Regulations 2004
 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 (ii) to:-
 act under and delegated authority to authorise appropriate named individuals to exercise powers under Regulation (EC) No. 178/2002; Inspection in accordance with Regulation (EC) No. 178/2002, Regulation (EC) No. 852/2004, Regulation (EC) No. 853/2004, Regulation 845/2004, Regulation (EC) 2073/2005 and the Food Information for consumers Regulations (EC) 1169/2011
- HCP(36) Licensing Act 2003
 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 (ii) to:-
 act under and delegated authority to authorise appropriate named individuals to take appropriate action subject to any relevant representations, policy and statutory duty
 Part 3 Premises licences
 s 18 – Determine an application
 s 23 & 25a – Grant or reject
 s 35, 36, 37, 38, 39, – Variation determination
 s 41A-C – Minor variation
 s 44 – Transfer determination

s 51 to 53 – Review determination
 s 55A – Suspension, failure to pay fees
 s 56, 57 - Require production of a licence
 s 59 - Powers of entry
 Part 4 Clubs
 s 63 – Determination
 s 72 – Determination application

s 77 – Grant or reject subject to any relevant representations, policy and statutory duty.

s 85 & 86b – Determination of variation
 s 94 - Require production of a licence
 s 96 & 97 – Powers of inspection & entry

Part 5 Permitted Temporary Events

s 102 - Acknowledge notice
 s 103 – Withdraw notice
 s 104, 105, 107 – Counter notices
 s 108 – Right of entry
 s 109- Require production of a licence

Part 6 Personal licences

s 120 - 122 – Determination
 s 132 – Offences
 s 134 & 135 – Require production of licences

Part 9 Miscellaneous and Supplementary

s 179 & 180 – Rights of entry
 make representations, on behalf of the Council as a relevant person and as the Authority by which statutory functions are exercisable in relation to minimising or preventing public nuisance or harm to human health and safety, on relevant applications under the Licensing Act 2003
 following conviction or a relevant offence, foreign offence or immigration penalty to notify the licence holder of the intention to suspend or revoke their Personal Licence under the Licensing Act 2003 and refer all cases to a Licensing and Regulatory Sub-Committee
 Decide on whether a complaint is irrelevant, frivolous, or repetitious – in consultation with Chairman of Licensing & Regulatory Committee

HCP(37)

Animal Welfare & Animal Licensing

(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act

(ii) to:-

act under and delegated authority to authorise appropriate named individuals to right of entry, inspection, requirement information, take samples, seize animals, issue and refuse licenses, make amendments and vary licences in respect of:-

- The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
- Animal Welfare Act 2006
- Dangerous Wild Animals Act 1976
- Zoo Licensing Act 1976

- HCP(38) Scrap Metal Dealers Act 2013
 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 (ii) to:-
 act under and delegated authority to authorise appropriate named individuals to inspect, licence, suspend, revoke licences.
 Apply to the Magistrates Court for Warrant to enter land and/or buildings in accordance with the powers contained in the Scrap Metal Dealers Act 2013.
- HCP(39) Health Protection (Local Authority Powers) Regulations 2010
 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 (ii) to:-
 act under and delegated authority to authorise appropriate named individuals to:
 Reg 2/3/6- Receive notifications of diseases etc in patients and dead persons from Registered Medical Practitioner and to notify the HPA etc.
 Reg - 8 - Requests for co-operation for health protection purposes
 Service of Notices to keep a child away from school - Provide details of children attending school etc
 The Health Protection (Part 2A Orders) Regulations 2010
 Make applications for Part 2A Orders.
- HCP(40) Public Health (Aircraft) Regulations 1979
 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 (ii) to:-
 act under and delegated authority to authorise appropriate named individuals to exercise powers under:-
 Part II, Regulation 5, appointment and duties of authorised officers and provisions of services by responsible authorities.
- HCP(41) Noise Act 1996
 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 (ii) to:-
 act under and delegated authority to authorise appropriate named individuals to exercise the powers in ss2 to 9 in relation to the summary procedure for dealing with noise at night and entry and seizure under s10
- HCP(42) Environment Act 1995
 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 (ii) to:-
 Part IV Air Quality
 s 82 - Undertake Air Quality monitoring
 s 83 - Designate AQMA
 s 84 - Carry out duties in relation to designated areas,
 Part V Miscellaneous
 s 108 (1)(a),(1)(b) and (1)(c) to exercise powers under section 108, sub-section (4)(a-m)
 s 110 - Offences
- HCP(43) Anti-Social Behaviour Crime and Policing Act 2014
 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 (ii) to:-
 Part I injunctions
 s 5- Make applications for injunctions

	Part 2 Criminal Behaviour Orders
	s – Make application for an order
	Part 4,
	Chapter 1 Community Protection Notices
	s 43 - Power to issue notices
	s 47 - Remedial action & power of entry
	s 51- Seizure
	s 53 - Issue Fixed Penalty Notice
	Chapter 2 Public Spaces Protection Orders
	s 68 -Issue Fixed Penalty Notice (Dogs and ASB)
	Chapter 3 Closure of premises associated with nuisance or disorder
	s 76 - Closure notice
	s 78 - Vary or cancel closure notice
	s 79 - Power of entry
	s 85 - Enforcement
HCP(44)	The Official Feed and Food Controls (England Regulations 2009
	(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
	(ii) to:-act under and delegated authority to authorise appropriate named individuals to: powers of entry, serve notices, procure and analyse samples.
HCP(45 to 48)	SPARE
HCP(49)	Gambling Act 2005
	(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
	(ii) to:- Inspect and issued licenses ,
	a) Application for a variation to a licence where no representations have been received or representations have been withdrawn
	b) Application for a transfer of a licence where no representations have been received from the Commission
	c) Application for a provisional statement where no representations have been received or representations have been withdrawn
	d) Application for a club gaming/club machine permit where no objections have been made or objections have been withdrawn
	e) Applications for other permits
	f) Cancellation of licensed premises gaming machine permits
	g) Consideration of temporary use notice
	h) Setting of fees
	s.304 (1)(b) - Make representations where appropriate
HCP(50)	Town Police Clauses Act 1847
	Grant or refuse, applications for Private Hire Vehicle, Operators or Hackney Carriage vehicle licenses or suspend private hire or Hackney carriage vehicle licences under the Town Police Clauses Act 1847, and the Local Government (Miscellaneous Provisions) Act 1976, subject to the applicant having a right to be heard by the Regulatory Committee in respect of any decision to refuse an application.

- HCP(51) Police, Factories etc (Miscellaneous Provisions) Act 1916, as amended by section 251 and Schedule 29 to the Local Government Act 1972
 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 (ii) to:-
 (a) Issue street collection permits up to the allocation for Kenilworth, Royal Leamington Spa, Warwick town centres and other areas as defined by the Licensing & Regulatory Committee; and
 (b) Issue street collection permits, for special collections in addition to the above numbers, following consultation with and no objection from the Licensing & Regulatory Committee spokespersons.
- HCP(52) Road Traffic Act 1991
 to ask for and accept Disclosure and Barring Service checks for Hackney Carriage and Private Hire Vehicles Drivers Licences under Section 47, and for any other licence for which they may be required.
- HCP(53) Local Government Miscellaneous Provision Act, Section 47, 48, 51, 55
 impose such conditions as considered reasonably necessary:-
 a) approve or refuse, in consultation with appropriate organisation as approved by the Licensing & Regulatory Committee, applications in respect of types of wheelchair accessible vehicles to be accepted as taxis in the case of new licences to be issued in the District
 b) refuse applications for taxi and private hire drivers licences in respect of applicants who do not pass the knowledge test
 c) refuse applications for taxi and private hire drivers licences, where the applicants have not attended disability awareness training, and obtained the appropriate certificate
 d) refuse the licence of a hackney/carriage private hire driver person who fails or refuses to attend the prevention of child sexual exploitation course
 e) make any minor grammatical or minor wording amendments to the Policies for Hackney Carriage / Private Hire Drivers & Operators, so long as it they do not alter the meaning/spirit of the Policy.
- HCP(54 to 65) SPARE
- HCP(66) Land Drainage Act 1991 (and any amendments thereof)
 (i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
 (ii) to:-
 s 14(A) – Notice to enter land and carry out works
 s 24 – Contraventions of prohibition on obstructions – notice to abate nuisance
 s 25 – Powers to require works for maintaining the flow of a watercourse
 s 64 – Powers of entry onto land
- HCP(67 & 68) SPARE

- HCP(69) Criminal Justice and Police Act 2001
exercise all powers of local authorities under sections 19 to 28 of the
including:
- Serving and cancelling closure notices;
 - Making applications for closure orders;
 - Issuing certificates of termination of closure orders;
 - Defending applications for the discharge of closure orders;
 - Recommending appealing against the refusal to make closure orders;
 - Enforcing closure orders;
 - Recommending prosecuting for obstruction of authorised officers or for offences in connection with closure orders; and
 - authorising officers to exercise all or any of these powers.
- HCP(70 to 76) SPARE
- HCP (77) The Legislative and Regulatory Reform Act 2006
following consultation with a solicitor acting for the Council and relevant Portfolio Holder, to make any minor grammatical or minor wording amendments to the Enforcement Policy, so long as it they do not alter the meaning/spirit of the policy
- HCP (78) SPARE
- HCP (79) to determine and refuse on technical grounds (e.g. lack of information supplied with application, not able to comply with mandatory conditions for example the “no-obstruction condition”) applications received for pavement licences, under the Business and Planning Act 2020.
- HCP (80) in consultation with the Chair of Licensing & Regulatory to determine any refusals of applications received for pavement licences, or revocations of a licence under the Business and Planning Act 2020
- HCP (81) Associated Acts and Regulations above:
to grant a Private Hire Operators licence or Hackney Carriage/Private Hire Drivers Licence of reduced duration following consultation with the Chair/ Vice Chair of the Licensing and Regulatory Committee and a representative of Legal Services.
- HCP (82) Microchipping of Dogs Regulations 2015,
(i) following consultation with a solicitor acting for the Council and relevant Portfolio Holder, institute legal proceedings under the Act
(ii) to:-
(a) serve on the keeper of a dog which is not microchipped a notice requiring the keeper to have the dog microchipped within 21 days;
(b) where the keeper of a dog has failed to comply with a notice under paragraph (a), without the consent of the keeper— (i) arrange for the dog to be microchipped; and (ii) recover from the keeper the cost of doing so;
(c) take possession of a dog without the consent of the keeper for the purpose of checking whether it is microchipped or for the purpose of microchipping it in accordance with sub-paragraph (b)(i).

14. **Head of Housing** shall have authority to:

- HS (1) issue licences to control the use of moveable dwellings under section 269 Public Health Act 1936 and caravan site licences required under the Caravan Sites & Control of Development 1960.
- HS (2) to approve or refuse any discretionary or mandatory grant related to repair, improvement or adaptation, the issue of approvals following the application of the test of financial resources and authorisation of payment upon satisfactory completion of the work. To recover, withhold or cancel payments.
- HS (3) deal with the letting of all dwellings when the Common Housing Register is applied. In cases of redevelopment authorise the delay in the letting of properties subject to approval of the relevant redevelopment scheme.
- HS (4) deal with sales of Council dwellings (freehold and leasehold) under the Right-to-Buy provisions (Housing Act 1985).
- HS (5) approve the release of affordable housing secured under a section 106 agreement for sale as open market dwellings and to discharge the obligation under the S106 agreement restricting the use of the affordable housing where the Registered Provider has become insolvent and defaulted on a mortgage secured against the relevant site and the Registered Providers Mortgagee has exercised their power to enter into possession of the relevant site subject to the Mortgagee having first acted in accordance with the mortgagee in possession provisions in the relevant section 106 agreement.
- HS (6) allocate tenancies to employees of the Council in accordance with Council's Relocation Scheme.
- HS (7) repair void properties.
- HS (8) allocate garages; to provide and allocate parking spaces; to approve the erection or provision, by tenants of individual garages and car parking spaces.
- HS (9) allocate tenancies and fix rents in respect of properties held under Part II of the Housing Act 1985.
- HS (10) determine the level of decorating allowance payable to tenants on allocation of tenancies.
- HS (11) approve payments under the Resettlement Service to qualifying new tenants accepting the tenancy of a low demand designated older persons property.
- HS (12) investigate and determine all homeless applications made to the Council under Part VII Housing Act 1996 including:-
 - (i) Allocation of suitable accommodation:
 - (ii) Entering the usual or last place of residence of a homeless person at all reasonable times for the purpose of discharging the duties in connection with the storage of property and effects;
 - (iii) Guaranteeing where necessary in an emergency, the payment in whole or in part of any charges for basic accommodation provided.
 - (iv) Where urgent steps are required to prevent homelessness, authority to incur expenditure or potential expenditure (e.g. by guarantees) in respect of rent or mortgage repayments dependent upon individual circumstances.
- HS (13) to determine applications for re-housing agricultural workers and ex-works pursuant to the Rent (Agriculture) Act 1976.
- HS (14) demand repayment of grant monies, together with interest, in appropriate cases on a breach of grant conditions.
- HS (15) instruct Bailiff's to enforce Warrants for Eviction.

- HS (16) in consultation with the Portfolio Holder for Homes, Health & Wellbeing, make minor changes to the Housing Financial Assistance policy that maintain the alignment with the Better Care Fund objectives.
- HS (17) to deal with applications for T.V. licences for warden controlled accommodation etc.
- HS (18) determine applications to run businesses, erect covered ways, verandas, conservatories and other and undertake other alterations to Council dwellings.
- HS (19) deal with the recovery of rent arrears including the instigation of legal proceedings to recover possession in appropriate cases and use of distraint.
- HS (20) write off former tenant arrears or credit balances up to £1000, greater than £1000 has to be agreed by Head of Financial Services.
- HS (21) in consultation with the Portfolio Holder for Homes, Health & Wellbeing, to develop and submit outline planning applications for housing sites and any other statutory consents necessary. Cabinet are asked to note that any fully costed schemes would be presented to Cabinet for approval following outline planning permission being granted
- HS (22) authorise routine repair, maintenance, improvement and new building work to be carried out.
- HS (23) waive, rechargeable repair costs.
- HS (24) in consultation with the Portfolio Holder for Homes, Health & Wellbeing, to make minor policy changes to the housing allocations policy. Subject to the Portfolio Holder reporting any changes approved in this manner as part of the annual report to the Overview and Scrutiny Committee.
- HS (25) approve of schemes for the adaptation of Council houses.
- HS (26) choose to refer adaptations to Council House dwellings for consideration for a Disabled Facilities Grant (or similar).
- HS (27) determine application for ex-gratia payments of up to ,£200 in respect of legitimate landlord costs that have been incurred by tenants.
- HS (28) submit applications for planning permission for change of use from amenity land to private gardens, or from private gardens to amenity land in those areas where it is a solution to a perceived management problem, subject to consultation with appropriate local residents.
- HS (29) in consultation with the Portfolio Holder for Homes, Health & Wellbeing, to make decisions about imposing civil penalties in individual cases.
- HS (30) grant new leases, for HRA properties, where statutory renewal rights exist.
- HS (31) grant terminable licences, for HRA properties, for access and other purposes.
- HS (32) serve Notices, carry out works and recover monies in respect of securing buildings against unauthorised entry or to prevent buildings becoming a danger to public health (Section 29 of the Local Government and Miscellaneous Provisions Act 1982)
- HS (33) issue but not refuse certificates of fitness in respect of assured tenancies under the provisions of Part I of the Housing and Planning Act 1986.
- HS (34) award grants to tenants/tenants groups in accordance with the Council's Housing Strategy.
- HS (35) re-purchase former Council owned dwellings within the agreed criteria and with the assistance of an independent valuation subject to resources being made available.
- HS (36) grant new leases on vacant HRA properties.
- HS (37) agree rent reviews, for HRA properties, where agreement on the new rent has been reached without recourse to arbitration.

- HS (38) serve Improvement Notices in respect of category 1 Hazards in relation to Section 11 of the Housing Act 2004
- HS (39) serve Improvement Notices in respect of category 2 Hazards in relation to Section 12 of the Housing Act 2004
- HS (40) Revoke or Vary an Improvement Notice in relation to Section 16 of the Housing Act 2004
- HS (41) serve notices of "Decision on Review" of a suspended Improvement Notice or suspended Prohibition Order in relation to Sections 17 & 26 the Housing Act 2004
- HS (42) revoke or vary a Prohibition Order when the Hazard(s) in respect of which the Order was made no longer exists or, in the case of an Order whose operation is suspended, so as to alter the time or event by reference to which the suspension is to come to an end; and the service of Notices in respect of revocation or variation of a Prohibition Order in relation to Section 25 & Part 2 of Schedule 2 of the Housing Act 2004.
- HS (43) serve Hazard Awareness Notices in respect of Category 1 and Category 2 Hazards in relation to sections 28 & 29 of the Housing Act 2004
- HS (44) serve Notices in respect of taking action when an Improvement Notice is not complied with in relation to Paragraph 4, Schedule 3 of the Housing Act 2004
- HS (45) agree that Emergency Remedial Action is taken in relation to section 40 of the Housing Act 2004
- HS (46) serve notices of Emergency Remedial Action in relation to section 41 of the Housing Act 2004.
- HS (47) make an Emergency Prohibition Order in relation to sections 43 & Part 2 of Schedule 2 of the Housing Act 2004
- HS (48) serve notices in respect of the revocation or variation of an Emergency Prohibition Order in relation to section 43 & Part 2 of Schedule 2.
- HS (49) serve Temporary Exemption Notice in relation to section 62 of the Housing Act 2004
- HS (50) grant or refuse an HMO Licence in relation to section 64 of the Housing Act 2004
- HS (51) vary an HMO Licence in relation to section 69 of the Housing act 2004
- HS (52) Revoke an HMO Licence in relation to section 70 of the Housing Act 2004
- HS (53) carry out all procedures relating to the granting or refusal of an HMO Licence in relation to part 2 of the Housing Act 2004
- HS (54) apply to a RPT (Residential Property Tribunal) for a Rent Repayment Order and serve notice of intended proceedings in relation to section 73 of the Housing Act 2004
- HS (55) apply to a RPT for an Order authorising the local authority to make an IMO (Interim Management Order) or for an Order providing for an IMO or FMO (Final Management Order) to continue in force in relation to the Interim and Final Management Orders sections 102, 105 & 114 of the Housing Act 2004
- HS (56) vary or revoke an IMO or FMO in relation to sections 111, 112, 121 & 122 of the Housing Act 2004
- HS (57) take appropriate steps to protect the safety, health and welfare of occupiers and such other steps regarding the proper management of houses subject to IMOs and FMOs in relation to sections 106 & 115 of the Housing Act 2004
- HS (58) carry out all procedures relating to the service of notice and the consideration of representations in respect of making, varying or revoking (or refusing to vary or revoke) Management Orders in relation to schedule 6 of the Housing Act 2004

- HS (59) apply to a Magistrates' Court for an Order permitting works to be carried out when a Management Order is in force; authorise in writing any person to enter a house where a Management Order is in force for the purpose of carrying out works in relation to section 131 of the Housing Act 2004.
- HS (60) except for the actual making of Interim Empty Dwelling Management Orders (IEDMOs) and Final Empty Dwelling Management Orders (FEDMOs), have all powers and duties of the local authority in respect of IEDMOs and FEDMOs in relation to the Interim and Final Empty Dwelling Management Orders (IEDMO & FEDMO) Part 4, Chapter 2 of the Housing Act 2004
- HS (61) serve notice of consideration of making an IEDMO and make application to a RPT for authorisation to make an IEDMO in relation to section 133 of the Housing Act 2004
- HS (62) carry out all procedures relating to the making of Management Orders as they relate to IEDMOs and FEDMOs in relation to Schedule 6 Part 1 of the Housing Act 2004
- HS (63) take appropriate steps to ensure that a dwelling becomes or continues to be occupied, and for the proper management of the dwelling in relation to sections 135 & 137 of the Housing Act 2004.
- HS (64) carry out all procedures necessary for the operation of IEDMOs and FEDMOs, except in relation to variation or revocation of IEDMOs and FEDMOs in relation to schedule 7 of the Housing Act 2004
- HS (65) carry out all procedures necessary in respect of variation or revocation of IEDMOs and FEDMOs in relation to schedule 7 of the Housing Act 2004
- HS (66) to serve, withdraw, revoke or vary an Overcrowding Notice in relation to Part 4 Chapter 3 Sections 139, 140 & 144 of the Housing Act 2004
- HS (67) serve notice requiring the production of documents in connection with Parts 1 – 4 of the Housing Act 2004
- HS (68) serve notice of intention to enter premises in relation to section 239 of the Housing Act 2004
- HS (69) to apply to a Magistrates' Court for a warrant to authorise entry in relation to section 240 of the Housing Act 2004
- HS (70) give notice of action taken under Parts 1 – 4 of the Housing Act 2004
- HS (71) serve or revoke an HMO Declaration in relation to sections 255 & 256 of the Housing Act 2004
- HS (72) Approve, refuse and recover grants and loans in accordance with the Rent Bond/Deposit Scheme
- HS (73) specify properties for which prospective tenants will be eligible to qualify for the Resettlement Service
- HS (74) issue Notices under Section 41 of the Local Government (Miscellaneous Provisions) Act 1982 (Disposal of uncollected property).
- HS (75) issue injunction proceedings under section 222 of The Local Government Act 1972.
- HS (76) issue injunction proceedings under the provisions of Chapter III of Part V of The Housing Act 1996 as amended by the Anti-Social Behaviour Act 2003 and the Police and Justice Act 2006 (injunctions in respect of anti-social behaviour affecting housing management, unlawful use of housing accommodation and breach of tenancy agreement).
- HS (77) address the district judge at hearings attended without a solicitor under s.60 of the County Courts Act 1984.
- HS (78) issue possession proceedings in order to obtain possession of temporary accommodation provided under section 188 of the Housing Act 1996, Part VII.

- HS (79) serve notice of Seeking Possession and Notice of Demotion under section 83 of the Housing Act 1985 in respect of Secure Tenancies in relation to enforcement action where tenants are in breach of the Council's Conditions of Tenancy
- HS (80) serve notice of Possession Proceedings and Notice of Extension under section 125 of the Housing Act 1996 in respect of Introductory Tenancies in relation to enforcement action where tenants are in breach of the Council's Conditions of Tenancy
- HS (81) serve closure notice under section 1 of the Anti-Social Behaviour Act 2003 in relation to enforcement action where tenants are in breach of the Council's Conditions of Tenancy
- HS (82) serve Family Intervention Tenancy Notice under the provisions of the Housing and Regeneration Act 2008 in relation to enforcement action where tenants are in breach of the Council's Conditions of Tenancy
- HS (83) issue Notices under Section 41 of the Local Government (Miscellaneous Provisions) Act 1982 (Disposal of uncollected property).
- HS (84) issue injunction proceedings under section 222 of the Local Government Act 1972.
- HS (85) issue injunction proceedings under the provisions of Chapter III of Part V of the Housing Act 1996 as amended by the Anti-Social Behaviour Act 2003 and the Police and Justice Act 2006 (injunctions in respect of anti-social behaviour affecting housing management, unlawful use of housing accommodation and breach of tenancy agreement).
- HS (86) use of Enforced Sale Procedure under Law of Property Act 1925 including service of notice under Section 103 of the Act.
- HS (87) To carry out the following delegated powers:
HCP(2) in respect of 59 and 76;
HCP(6) in respect of (iii)(vii)and(viii);
HCP(25)(i);
HCP(26) to HCP(28) inclusive;
HCP(69) in respect of (i)(ii)(iii)(iv) and (vii);
HCP(34) and HCP(35);
HCP(43)
- HS (88) Serve notices under Housing Act 1985 (as amended):-
S197 Notices before exercising power of entry. 337/340
S331 Notice to landlord that house is overcrowded.
S338 Notice to occupier to abate overcrowding
- HS (89) S. 77 Criminal Justice and Public Order Act 1994
In respect of persons residing in a vehicle or vehicles
i) on any land forming part of a highway;
ii) on any other unoccupied land; or
iii) on any occupied land without the consent of the occupier to give a direction that those persons are to leave the land and remove the vehicle or vehicles and any other property
- HS (90) in consultation with the Portfolio Holder for Homes, Health & Wellbeing, to grant 99 year leases of Council owned land (HRA land) to Waterloo Housing Group under the terms of the W2 Joint Venture for the purpose of providing affordable housing
- HS (91) determine applications for review made under Section 202 of the Housing Act 1996 and to take any steps that are necessary or incidental to the making of such a determination or complying with any requirements or procedure provided for in regulations made under S203 of Housing Act 1996.

- HS(92) Serve notices under Housing Grants Construction & Regeneration Act 1996 requiring owner to provide statement of occupation of property (s49 & s50).
- HS(93) (i) approve the terms to be incorporated in a Shared Ownership lease which will include 'staircasing' provisions enabling a lessee to acquire between a minimum of a 25% up to and including a 100% interest in the property with the right to request a transfer of the freehold interest on acquiring a 100% interest; and
(ii) Relax property size eligibility rules in the housing allocations policy for bidders for shared ownership properties if there is insufficient demand from households of the eligible size.
- HS(94) enforce the Management of Houses in Multiple Occupation (England) Regulations 2006, made under Section 234 Housing Act 2004.
- HS(95) to serve a:
(i) Prohibition Order in respect of a Cat 1 hazard, in relation to Section 20 of the Housing Act 2004
(ii) Prohibition Order in respect of a Cat 2 hazard, in relation to Section 21 of the Housing Act 2004
(iii) Notice requiring documents to be produced, in relation to Section 235 of Housing Act 2004
- HS(96) under the Smoke and Carbon Monoxide Alarm (England) Regulations 2015, Statutory Instrument SI number 2015:1693 (made under the Energy Act 2013), authority to:
(i) under regulation 5 issue a Remedial Notice; and
(ii) per Part 4 (Regulations 8-13) issue a Penalty Charge Notice
- HS (97) formulate responses to planning applications in respect of housing requirements.
- HS (98) to enforce the Minimum Energy Efficiency Standards (MEES) regulations as set out within the approved penalties process.
- HS (99) authorise the Officer to have delegated authority to serve Notices of Intent and Final Notices under the Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014
- HS (100) take appropriate action under this policy to ensure compliance with all its requirement, including the need to obtain planning permission
- HS (101) in consultation with the Portfolio Holder for Homes, Health & Wellbeing, to review and amend the action plan of the Warwick District Council Homelessness and Rough Sleeping Strategy 2021-26 from time to time during the lifetime of the strategy.
- ~~AST(3)~~
HS (102) deal with applications for the assignment of tenancy or sub-letting of shops provided under the Housing Acts.
- ~~AST(11)~~
HS(103) Serve Notices to Quit in respect of shops and other accommodation provided under the Housing Acts.

15. **Head of Culture, Tourism & Leisure** shall have authority to:
- CS (1) determine requests for the hire of rooms and/or facilities at the Town Hall.
 - CS (2) arrange lettings in respect of sporting entertainment and arts facilities.
 - CS (3) in consultation with the Portfolio Holder for Culture, Tourism & Leisure, to apply discount prices, to those listed in the Parks Exercise Permits Usage & Charging Policy for Warwick District Council Parks & Open Spaces as deemed appropriate
 - CS (4) in consultation with the Portfolio Holder for Culture , Tourism & Leisure, for the decision as to the inclusion of new areas of the Council's Parks and Open Spaces within the remit of the Parks Exercise Permits Usage & Charging Policy for Warwick District Council Parks & Open Spaces
 - CS (5) Following consultation with a solicitor acting on behalf of the Council, obtain licences under the Licensing Act 2003 for Council premises.
 - CS (6) Grant hospitality during conferences in accordance with the policy agreed by the Council.
 - CS (7) Determine grants to Sports and Cultural Organisations.
 - CS (8) Determine opening hours of cultural services facilities including closures over public holidays
 - CS (9) in consultation with the Portfolio Holder for Culture , Tourism & Leisure, to authorise future renewals of the Collections Management Framework on behalf of the Council, for the purposes of ACE Accreditation renewal and provided that no significant changes are made to the individual policies.

16. The **Head of Environment & Operations** shall have authority to:
- NS (1) Serve notices under ss. 43 and 48 of the Anti-Social Behaviour Act 2003 and to recover expenditure under s. 49 thereof
 - NS (2) Discharge the Council's litter control functions as set out in Sections 87 and 88 of the Environmental Protection Act 1990 including issuing fixed penalty notices
 - NS (3) Notices in relation to intention to enter premises (pursuant to a statutory power) for the purposes of inspection;

All powers included in Part II of the Environment Protection Act 1990 granted to a Waste Collection Authority, including those listed below:

Section 13 and 14 of the Environmental Protection Act 1990

Section 33 and 34 of the Environmental Protection Act 1990, and subsidiary legislation, including Section 45 of Clean Neighbourhoods & Environment Act 2005

Sections 46 and 47 of the Environmental Protection Act 1990 and subsidiary legislation, including Section 48 of Clean Neighbourhoods & Environment Act 2005

Section 59 of the Environmental Protection Act 1990 and subsidiary legislation, including Section 50 of Clean Neighbourhoods & Environment Act 2005

- NS (4) All powers included in Part IV of the Environment Protection Act 1990 granted to a Principal Litter Authority, including those listed below: -
- Section 88 of the Environmental Protection Act 1990 and subsidiary legislation, including Section 19 of Clean Neighbourhoods & Environment Act 2005
- Section 92 of the Environmental Protection Act 1990 and subsidiary legislation, including Section 20 of Clean Neighbourhoods & Environment Act 2005
- Sections 93 and 94 of the Environmental Protection Act 1990 and subsidiary legislation, including Section 21 and 22 of Clean Neighbourhoods & Environment Act 2005
- Section 99 of the Environmental Protection Act 1990 and subsidiary legislation.
- NS (5) All powers included in Part I of the Refuse Disposal (Amenity) Act 1978 granted to a District Council, including those listed below:
serve notices in respect of removal of abandoned vehicles under the Refuse Disposal (Amenity) Act 1978
Section 2 and 3 of the Refuse Disposal (Amenity) Act 1978 and subsidiary legislation, including
Section 10 of Clean Neighbourhoods & Environment Act 2005
serve notices requiring information for statutory purposes under
- Section 71 of Environmental Protection Act 1990
 - Section 90 of Environmental Protection Act 1990
 - Section 18 of the Clean Neighbourhoods and Environment Act 2005
 - Sections 35, 37, 38 & 39 of the Clean Neighbourhoods and Environment Act 2005
 - All powers within Part 4 of the Clean Neighbourhoods and Environment Act 2005
 - All powers within Part 5, Chapter 2 of the Clean Neighbourhoods and Environment Act 2005
- NS (6) Take action under Section 23 of the Local Government (Miscellaneous Provisions) Act 1976 (imminent danger from dangerous trees) and to serve notices under Section 23.
- NS (7) Carry out consultations concerning draft Off Street Parking Places Orders and to make the Orders in cases where no objections are received.
- NS (8) Institute legal proceedings against persons who fail to comply with the Pay and Display regulations contained in the Council's Off-Street Parking Places Orders.
- NS (9) Provide floral decorations in accordance with the policy agreed by the Council.
- NS (10) Implement any necessary changes in parking charges as specified by Council.
- NS (11) Conduct listing reviews and compensation reviews in respect of assets of community value; and consider and decide any review of listing, or compensation.

NS (12) waive the charges for waste containers for any resident who is unable to pay for waste containers if they are eligible for maximum council tax reduction as well as being in receipt of either Attendance Allowance, Disability Living Allowance or Personal Independence Payment'. This will be subject to any request being limited to one every two years. Outside of this, charges may only be waived where the Council is satisfied that the household would experience exceptional financial hardship.

17. The **Head of Place & Economy** shall have authority to:

- ~~DS (3)~~ PE(1) Serve any necessary notices in connection with the review of rents payable to the Council under leases or tenancy agreements.
- ~~DS (18)~~ PE(2) Deal with applications from market operators for change of trade.
- ~~DS (19)~~ PE(3) In consultation with the Portfolio Holder for Place & Economy, to apply discretionary relief for exceptional circumstances is clearly demonstrated.
- ~~DS (20)~~ PE(4) make representations, in consultation with the relevant Portfolio Holder, in relation to Planning Policy consultations, that may affect Warwick District undertaken by neighbouring or overlapping authorities. This does not include the following:
 - National Planning Policy and other national planning-related consultations; and
 - Where in the judgement of the Head of Place & Economy or the relevant Portfolio Holder, the issues arising from the consultation are such that they have important strategic implications for Warwick District.
- ~~DS (22)~~ PE(5) Following consultation with a solicitor acting for the Council, consent to assignment and other consents required under leases granted by the Council.
- ~~DS (24)~~ PE(6) , in consultation with the Head of Financial Services, decline offers of property not recommended for acquisition.
- ~~DS (26)~~ PE(7) to introduce and keep under review appropriate procedures and criteria for the operation of the Local List including the consideration of submissions for inclusion on the Local List
- ~~DS (68)~~ PE(8) Formulate the Council's response to consultations from neighbouring Planning Authorities relating to development proposals outside the Warwick District Council area.
- ~~DS (74)~~ PE(9) Agree to a Town or Parish Council proceeding with developing a Neighbourhood Plan under the terms of the Localism Act 2011 or to refuse permission to proceed where a proposal to undertake a plan does not conform with the provisions of the act.
- ~~DS (75)~~ PE(10) Make changes to a Neighbourhood Plan in line with the independent examiners recommendations
- ~~DS (76)~~ PE(11) Bring a Neighbourhood Plan in to force where it conforms to the provisions of the Localism act
- ~~DS (77)~~ PE(12) Assess a Neighbourhood to ensure compliance with the Localism Act and supporting regulations and to refuse to proceed to independent examination where it does not
- ~~DS (78)~~ PE(13) Appoint an independent examiner for a neighbourhood plan
- ~~DS (79)~~ PE(14) In consultation with the Portfolio Holder for Place & Economy following recommendation from W² Project Board to grant 99 year leases of council owned land (general fund) to Waterloo Housing Group under the terms of the Joint Venture for the purpose of providing affordable housing

- ~~DS(80)~~
PE(15) Maintain the List of Assets of Community Value and list of unsuccessful nominations; consider and decide the technical correctness of nominations for inclusion of assets on the list; and consider and decide, in consultation with the Portfolio Holder for Place & Economy, the merits of nominations for inclusion of assets on the list
- ~~DS(81)~~
PE(16) Engage performers and artists for events in accordance with the policy and within the approved budget
- ~~DS(84)~~
PE(17) to enter into agreements providing for the transfer of funds received, as a result of payments to the Council under the Community Infrastructure Levy Regulations 2010 (CIL), to an infrastructure provider for a scheme which has been agreed by the Council.
- ~~DS(85)~~
PE(19) in consultation with the Portfolio Holder, to apply fines and surcharges inline the CIL Regulations

18. Delegations to multiple but not all Chief Officers as set out in Article 12

- | | | |
|------|---|---|
| A(1) | Authority to seal Stock Exchange transactions. | Head of Financial Services and Deputy Chief Executive & Monitoring Officer (Chief Executive in absence of Monitoring Officer). |
| A(2) | Authority to affix the Common Seal where appropriate approval(s) have been given . | Chief Executive, Deputy Chief Executives, Programme Director for Climate Change and Head of Law & Governance (individually). |
| A(3) | Authority to authorise obtaining Counsel's Opinion and to brief Counsel. | Chief Executive, Deputy Chief Executives, Programme Director for Climate Change and Head of Law & Governance (individually) following consultation with a solicitor acting for the Council. |
| A(4) | Authority to approve Court proceedings in respect of anti-social behaviour orders in the district. | The Heads of Housing; and Head of Community Protection (as appropriate), individually, in consultation with a solicitor acting for the Council and Group Leaders. |
| A(5) | Authority to instigate applications for anti-social behaviour orders under the Crime and Disorder Act 1998. | Head of Housing, the Head of Culture, Tourism & Leisure, Head of Environment & Operations, Head of Community Protection, following consultation with a solicitor acting on behalf of the Council. |

A(6)	Authority to approve applications to waive repayment of grant paid under the town scheme of grants arrangements in cases of hardship.	Head of Financial Services and Head of Development in conjunction with the Leader of the Cabinet and Group Leaders.
A (7)	Authority to carry out the necessary procedure and make orders under Town Police Clauses Act 1847 for the temporary closure of roads.	Head of Place & Economy, Head of Environment & Operations and Head of Community Protection, following consultation with a solicitor acting on behalf of the Council.
A(8)	issue authorisations under the Regulation of Investigatory Powers Act 2000 in all cases except those concerning juveniles.	Deputy Chief Executives individually
A(9)	exercise the powers contained within the Anti-social Behaviour Crime and Policing Act 2014 in relation to injunctions, orders, powers of dispersal, closure of premises, grounds of possession, service of notice and to authorise appropriate persons to carry out any of these powers.	The Heads of Community Protection, Housing and Environment & Operations individually.
A (10)	Grant applications for organised visits to and bookings of parks, open spaces and buildings and for conference facilities.	Heads of Culture, Tourism & Leisure, Place & Economy and Housing individually.
A (11)	Grant new leases on vacant properties, excluding HRA properties.	The Head of Assets and Head of Economy & Place
A (12)	To accept the transfer of land or buildings to the Council which is required to be transferred to the Council under the provisions of a section 106 agreement."	Head of Culture, Tourism & Leisure, Development, Place & Economy, Housing and Environmental Services individually
A (13)	in consultation with the Portfolio Holders for Homes, Health & Wellbeing and Resources to enter into a maximum of five leases for properties from the Private Sector (of no more than ten years in duration each) for use in connection with homelessness accommodation duties.	Head of Housing and the Head of Financial Services
A (14)	to suspend the statutory officers within the Council, where they consider it is an emergency to do.	Chief Executive or Monitoring Officer
A (15)	to act under Health Protection (Coronavirus, Restrictions) (England) Regulations 2020, enforcing regulation 4, 5, 8, 9 & 10 and take proceedings for offences under regulation 1	Head of Community Protection & Head of Environmental Services.
A (16)	Execute vacating receipts on mortgages.	Chief Executive & Head of Law & Governance

A (17)	Serve any necessary notices in connection with the review of rents payable to the Council under leases or tenancy agreements.	Head of Financial Services, Head of Assets and Head of Housing individually.
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Licensing and Regulatory Committee

Excerpt of the Minutes of the remote meeting held on Monday 19 July 2021 at the Town Hall, Royal Leamington Spa at 4.30pm

Present: Councillors Illingworth (Chairman), Cullinan, Grey, Leigh-Hunt, Mangat, Redford, and Wright.

7. **Apologies and Substitutes**

- (a) apologies for absence were received from Councillors Boad, C Gifford, Heath, Norris and Syson; and
- (b) there were no substitutes.

8. **Declarations of Interest**

There were no declarations of interest.

13. **Proposed House to House Collections Policy**

The Committee considered a report from Health and Community Protection which presented a new policy for House to House Collections which would be applicable to all applicants, and which requested that it be forwarded to Council for adoption.

The Licensing Authority was required to authorise house to house collections under the House to House Collections Regulations 1947.

The proposed policy had been consulted upon and was attached as Appendix 1 to the report. Appendix 2 to the report set out the public consultation responses in relation to the Policy, as well as responses from officers and any advice from legal services. Legal advice had been sought on two areas of the proposed policy, 'contactless' donations via a credit/debit card would be covered by the policy and whether Warwick District Council should ever deviate from the policy for any reason which required legal advice.

On these points the legal advice was that of supporting the officers views, with the exception of point 12 of the public responses in Appendix 2 to the report, this had been received shortly before the meeting and was "*it is clear in my view that the regulations can only reasonably be interpreted as applying to cash collections*".

In terms of alternative options, the only other option would be that no Policy was introduced.

In response to questions from Members, the Licensing Team Leader advised that:

- Many of the larger charities could not be controlled by the Council because those types of charities had national dispensation whereby they did not need to inform the Council that they were coming to the area. The Policy was more about local charities, particularly those who used collection bags, as opposed to those who knock on doors

LICENSING & REGULATORY COMMITTEE MINUTES (Continued)

regularly and ask for direct debits who were also given an exemption from the Secretary of State to inform the Council they were in the area. Charities that were trying to sell at the door or collect money, for example the Poppy Appeal, would need to inform the Council that they were coming to the area.

- The Council could not control designated charities that held exemptions from the Government, and therefore the way those charities and collectors would be vetted was separate.
- If two charities asked the Council for a collection on the same day and same time, preferential treatment would be given to the local charity.
- An officer would never move away from the policy without consulting with the Head of Service and Chairman of the Licensing & Regulatory Committee.

Members felt that the collection hours should be changed from 9am – 7pm, to 9am – 8pm, as they felt 7pm was too early to finish but also wanted to protect vulnerable members of the public and minimise disturbance. A proposal to amend these hours was voted on and was carried.

In response to further questions from Members, the Licensing Team Leader advised that:

- The application form the Council asked to be filled in included a desired date for collection and alternative dates, and with details about the area. This form could be altered to ensure the permit issued had a control measure on it that stated the Charity could not collect beyond 8pm. The Council would be monitoring and reviewing via complaints received.
- The application form included an estimate of costs, and the Charities were required to provide the Council the agreement they had with the Charity collector. If there was a collector acting on behalf of the charity there would be a contract in place, and to date the Council had never failed as a licensing authority to be provided with those contracts. Application forms would be scrutinised and compared with the contracts to make they matched, and where the percentage was not matched then that charity would not be issued with a permit in future, and also if follow up statements weren't provided.
- The way they currently worked allowed charities to tell the Council they would be collecting between a beginning and end date, with a maximum of 12 months, this Policy would mean that every time you would need to complete an application form and provide background information so there would be a better monitoring process, which was designed to help the Council and residents know the charity was legitimate.
- In relation to the legal advice received around point 12 of the public responses in Appendix 2 to the report, this had been received shortly before the meeting and was *"it is clear in my view that the regulations can only reasonably be interpreted as applying to cash collections"*. Therefore, it was understood that any of the QR code or chip and pin type collections that were undertaken on a high street or outdoors, there was no way for the Council to compel them to have a permit, or file the appropriate returns. The Licensing Team Leader asked if a review of this in light of this legal advice could be done, and sent to Members if the words changed, and the Committee were happy with this suggestion.

The Committee therefore

Recommended to Council that the House to House Collection Policy (attached as Appendix 1 to the minutes), subject to the above changes, be adopted.

14. Proposed Street Collections Policy

The Committee considered a report from Health and Community Protection which presented a new policy for Street Collections, which would be applicable to all applicants and requested that it be forwarded to Council for adoption.

The Licensing Authority was required to authorise street collections under the Police, Factories etc. (Miscellaneous Provisions) Act 1916.

The proposed policy had been consulted upon and was attached as Appendix 1 to the report. Appendix 2 to the report set out the public consultation responses in relation to the Policy, as well as responses from officers and any advice from legal services. Legal advice had been sought on two areas of the proposed policy, 'contactless' donations via a credit/debit card would be covered by the policy and whether Warwick District Council should ever deviate from the policy for any reason which required legal advice.

On these points the legal advice was that of supporting the officer's views.

In terms of alternative options, the only other option would be that no Policy was introduced.

In response to a question from Members, the Licensing Team Leader advised that when a permit was issued or refused for a licence for a street collection or house to house collection, the Council informed the licensing officer at Warwickshire Police.

The Committee therefore

Recommended to Council that the Street Collection Policy (attached as Appendix 1 to the minutes), be adopted.

(The meeting ended at 5:38pm)



Warwick District Council

House to House Collection Policy (House to House Collections Regulations 1947)

2021 – 2026

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1: INTRODUCTION

Objectives of the policy

- 1.1 The purpose of the policy is to provide clear guidance for officers and Councillors on what matters should be taken into account when determining applications for House to House collections. It also sets out the reasonable expectations of applicants for charitable collections within Warwick District.
- 1.2 Central to the Council's policy are a number of key objectives which are:
 - To ensure members of the public know which charity they are donating to and to ensure all goods/monies collected are given to the correct charity.
 - To ensure all goods/monies collected are given to registered charities and unregistered organisations who prove their charitable purposes.
 - To facilitate well organised collections by bona fide charitable institutions and organisations.
 - To prevent unlicensed collections from taking place.

Purpose of the policy

- 1.3 This document states Warwick District Council's policy on the regulation of House to House Collectors.
- 1.4 The policy is intended to ensure that those who wish to donate to charity through house to house collections, are able to do so, in good faith, knowing that a significant amount of the money or products they donate will directly benefit the charity.
- 1.5 This policy seeks to ensure that these objectives are achieved in a consistent, fair and proportionate way. In considering each application for the grant of a house to house collection the guidance provided by this document will be applied.

Policy review

- 1.6 This Policy will be kept under review and a full consultation exercise carried out when major changes are made to it. It is anticipated that major reviews of the Policy will take place every 5 years.
- 1.7 The Policy will be regularly evaluated and may be changed at any time to reflect minor, administrative or legislative changes or to amend any inconsistencies between the legislation and policy without a full consultation process being carried out. Any major changes will be agreed by the Executive Committee.
- 1.8 Examples of 'major changes' are changes that are:
 - likely to have a significant effect on licence holders
 - likely to have a significant procedural effect on licence holders
 - likely to have a significant effect on the community

Contacting the team

- 1.9 If after reading this booklet you require further information you are welcome to seek assistance from the Licensing Team.

Email: Licensing@warwickdc.gov.uk

Address: Licensing, Health and Community Protection, Warwick District Council, Riverside House, Milverton Hill, Royal Leamington Spa, CV32 5HZ

The Law

- 1.10 House to House Collections are currently regulated by the House to House Collections Act 1939 and the House to House Collections Regulations 1947 (as amended).

Definition of a House to House Collection

- 1.11 A House to House collection is defined as 'the collection of either money or items directly from a person's property'.
- 1.12 They are a vital source of funds for many charities as they offer a positive opportunity for the public to support charities. However, they need to be carried out for the benefit of the charity and in accordance with the law.

Exemptions to the Act

- 1.13 A National Exemption Order is available to charities who have undertaken a high number of collections across local authority areas nationally in the preceding two years. These are issued directly to the charity by the Cabinet Office. A list of current Exemption Order holders can be found on the Gov.uk website.

2: LICENCE REQUIREMENTS

Licensed areas

- 2.1 For the purposes of House to House Collections, Warwick District Council is made up of five distinct areas. Leamington Spa, Whitnash, Warwick, Kenilworth and 'Rural'. Applications can be made for one area or a number of areas.
- 2.2 Warwick District Council will allow only **one collection to take place in any given area per day**. The collection areas are defined as Leamington Spa, Whitnash, Warwick and Kenilworth town centres and 'Rural' is defined as 'any other Village' inside the boundary.
- 2.3 Individual roads can be applied for and these roads will be specified on the collecting licence.
- 2.4 Collections may take place on any day of the week including Public Holidays.
- 2.5 The Licensing Authority may, in granting a licence, limit a collection to such streets or public places or such parts thereof as they think fit.

Number of collections

- 2.6 The Council will only permit one House to House Collection in any one area of the District at any one given time and will only allow an organisation to collect on a maximum of six occasions per calendar year. Separate application forms will need to be completed.
- 2.7 Collections are booked on a first come, first served basis. This is to ensure that all charities whether large or small, have equal access to popular collection dates.
- 2.8 Where more than one organisation applies for a licence for the same date at the same time, then preference will be given to the more local organisation in order for the proceeds to benefit the local communities.

Number of collectors

- 2.9 No persons may assist or take part in any collection without the written authority of the society, committee, or other body to whom a licence has been granted.
- 2.10 Written notice must be provided to us as either part of the application or prior to the collection, confirming details of all person(s) taking part in the collection. You must provide the collectors, name, address and date of birth, this is to enable us to check the suitability of the collectors and for enforcement.
- 2.11 When the agreed collectors change, we are happy to accept amendments to the collectors details prior to the street collection taking place.
- 2.12 Warwick District Council will restrict the number of people collecting monies to six per area.

- 2.13 No person under the age of 16 years old shall act or be permitted to act as a collector.

Collectors behaviour

- 2.14 Failure to comply with the House to House Collection Regulations may result in future applications for a licence being refused. A copy of the regulations is attached as Appendix 1.
- 2.15 No collector shall importune any person to the annoyance of such person.
- 2.16 Collectors who are also members of the Public Fundraising Regulatory Association (PFRA) must adhere to the Institute of Fundraising Face to Face Activity Code of Fundraising Practice on face-to-face fundraising and any interpretation of the code made by the PFRA. Failure to comply could result in the refusal of further licences issued by Warwick District Council. This code can be viewed at www.pfra.co.uk.

Registered charities and charitable organisations

- 2.17 Warwick District Council will consider applications from registered charities and a registered charity number will need to be provided on the application form.
- 2.18 Should the collection be on behalf of a registered charity then a letter of authority will be required which must accompany the application from the organisation.
- 2.19 Should a non-registered organisation wish to submit an application, then they will have to provide information with regard to the charitable purpose (i.e. Relief of poverty, advancement of health or saving of lives) and show they benefit the public.

Exceptions

- 2.20 Warwick District Council reserves the right to deviate from this policy where it is satisfied that there is sufficient cause for doing so.
- 2.21 Exceptions to this policy may be made for collections such as the Royal British Legion's Poppy Appeal and Santa collections within the District and when natural disasters have occurred such as a tsunami or earthquake.
- 2.22 Collections for Children in Need, Red Nose Day and Sports Relief are discouraged as the organisers themselves prefer sponsored events.

3: APPLICATIONS

Application process

- 3.1 Applications will be dealt with on a first come first served basis. Where more than one application is received at the same time, preference will be given to local charities.
- 3.2 The application form is available from either the Warwick District Council website or from the Gov.uk website.
- 3.3 Anyone wishing to conduct a house to house collection must complete the relevant application form. Applicants must supply information relating to:
 - Whether the collection is on behalf of a registered charity (if so, the registered charity number must be stated), and if so, the objectives of the charity as supplied to the Charity Commission.
 - A statement as to the aims of the collecting organisation as detailed in any literature.
 - Details of the history of the collecting organisation, i.e. when formed, names of trustees, directors, organisers etc.
 - Relevant accounts and financial statements of the collecting organisation.
 - A written agreement between the charity and the collecting organisation.
 - A declaration of any previous refusals for house to house collection licences.
 - A recent Basic Disclosure Certificate from the Disclosure and Barring Service pertaining to the Director of the collecting company.
- 3.4 The application form must clearly state how much the charity will receive as part of the collection, and include the proportion, as a percentage, of the monies retained by the collector in respect of the running costs of the collection.
- 3.5 A clear set of returns must also be supplied if the organisation has previously operated house to house collections within the Warwick District.
- 3.6 Applications are to be made in writing **no later than one calendar month** before the house to house collection is due to take place. This period may be reduced if the Council are satisfied that there are exceptional reasons for doing so.
- 3.7 Failure to provide all the necessary information may result in an application being delayed or refused.

Collection licences

- 3.8 Warwick District Council may, in granting a licence, limit the collection to such streets or areas or such parts thereof as it thinks fit and are specified on the licence.
- 3.9 The Council will only permit one house to house collection in any one area of the District at any one time and will only allow an organisation to collect on a maximum of six occasions per calendar year. Separate application forms will need to be completed for each separate collection.

- 3.10 The maximum duration of any collection will not exceed 4 weeks. No collection shall be made other than in accordance with time period specified on the licence.
- 3.11 No collection shall be made in a manner likely to inconvenience or annoy any person and no collector shall pester any person to the annoyance of such a person. No collection shall take place outside the hours of 9 am to 8 pm and doors should not be knocked at properties which display a sticker or sign which prohibits cold calling.
- 3.12 No person under the age of 16 years old shall act or be permitted to act as a collector.
- 3.13 Within one month after the date of any collection, the person to whom a licence has been granted shall forward to the Council:
- A statement in the form set out in the schedule to these regulations, or in a form to the like effect, showing the amount received and the expenses and payments incurred in connection with such collection and certified by that person and a member of the receiving charity in the form of a letter headed response.
 - A list of collectors.
 - A list of the amounts collected in each collecting box.

Applicant suitability

- 3.14 Along with any application for a house to house collection licence, the applicant or the Director of the collection company (if different), will need to submit a recent Basic Disclosure Certificate from the Disclosure and Barring Service (not more than 6 months old).
- 3.15 When granting a licence for a house to house collection, the Council must be satisfied the applicant is a fit and proper person to hold a House to House Collection Licence.
- 3.16 In deciding the applicants fitness and propriety, and where there are convictions/cautions etc. the Council will take into consideration the following:
- Whether the conviction is relevant.
 - The seriousness of the offence.
 - In accordance with the Rehabilitation of Offenders Act 1974, the length of time since the offence occurred.
 - Whether there is a pattern of offending behaviour.
 - Whether that person's circumstances have changed since the offence occurred.
 - The circumstances surrounding the offence and the explanation offered by that person.

Grounds for refusal

3.17 The Council may refuse to grant a licence or, where a licence has been granted, revoke that licence where it appears to the Council that:

- The total amount likely to be given for charitable purposes as the result of the collection (including any amount already given) is inadequate in proportion to the value of the proceeds likely to be received (including any proceeds already received).
- The remuneration by any person is excessive in relation to the total amount received or likely to be received.
- The applicant or the holder of the licence is not a fit and proper person to hold a licence by reason of the fact that he/she has been convicted in the United Kingdom of any of the offences specified in the Schedule to this Act, or has been convicted in any part of Her Majesty's dominions of any offence conviction for which necessarily involved a finding that he acted fraudulently or dishonestly, or of an offence of a kind the commission of which would be likely to be facilitated by the grant of a Licence.
- The applicant or the holder of the Licence, in promoting a collection in respect of which a Licence has been granted to him, has failed to exercise due diligence to secure that persons authorised by him to act as collectors for the purposes of the collection were fit and proper persons, to secure compliance on the part of persons so authorised with the provisions of regulations made under this Act, or to prevent prescribed badges or prescribed certificates of authority being obtained by persons other than persons so authorised.
- The applicant or holder of the licence has refused or neglected to furnish to the authority such information as they may have reasonably required for the purpose of informing themselves as to any of the matters specified in the foregoing paragraphs
- The grant of a licence would be likely to facilitate the commission of an offence under section three of the Vagrancy Act 1824, or that an offence under that section has been committed in connection with the collection.

3.18 In addition, any action taken as a result of non-compliance with the House to House Collections Regulations may also be grounds for refusal.

Financial considerations

3.19 In order for the Council to be confident that the amount being given to charity is proportionate, the financial information provided on the application form and on any returns has to be detailed and accurate. Failure to provide detailed and accurate financial information may result in an application being refused or delayed.

3.20 In deciding whether the amount given to charity is proportionate the Council will use the following as a guideline:

- The Council understands there are costs associated with organising and carrying out a house to house collection; however, the costs associated with any one collection need to be balanced against the perception of the public that all of the items or money they donate will be given to charity. **Therefore, the Council will consider refusing an application where less than 70% of the value of the collection is being donated to the charity named in the application.**
 - It is also common practice for collectors to be paid by organisations to collect money and products. When determining the remuneration and whether it is excessive, the nature of the business and the overheads should be taken into account and balanced against the amount being given to the charity. The salaries received by directors and key employees should also be considered as part of this assessment. **Therefore, the Council will give consideration to refusing an application where the amount of remuneration is greater than 30% of the value of the collection.**
- 3.21 If returns have not been supplied to the Council after previous licensed collections then any further applications are likely to be refused.
- 3.22 Any person aggrieved by the refusal to grant a licence or by the revocation of a licence already granted, may appeal against the decision within fourteen days of the date of the notice of refusal or revocation, as shown on the notice. Any appeal must be made to the relevant Secretary of State.
- 3.23 Warwick District Council reserves the right to defer from this policy where it is satisfied that there is sufficient cause for doing so.

Enforcement

- 3.24 It is recognised that well-directed enforcement activity by the Council benefits not only the public but also the responsible members of the trade.
- 3.25 In pursuing its objective of encouraging responsible businesses, the Council will operate a proportionate enforcement regime in accordance with the Enforcement Policy.
- 3.26 The responsibility for the overall supervision of House to House Collections lies with the Head of Health and Community Protection.

Offences and penalties

- 3.27 No collection shall be promoted without a licence being in place. The promotor will be liable on summary conviction to a fine not exceeding Level 3 on the Standard Scale. (currently £1,000).
- 3.28 No collection shall be made without a licence being in place. Any collector will be liable on summary conviction to a fine not exceeding Level 1 on the Standard Scale. (currently £200)
- 3.29 Any person who acts in contravention of any of the foregoing Regulations will be liable on summary conviction to a fine not exceeding Level 1 on the Standard Scale. (currently £200).

- 3.30 Unauthorised use of a collector's badge or certificate is an offence. Any unauthorised collector will be liable on summary conviction to a fine not exceeding Level 3 on the Standard Scale. (currently £1,000).
- 3.31 It is an offence for any collector to fail to provide their name and address details to a Police Officer on request. The collector will be liable on summary conviction to a fine not exceeding Level 1 on the Standard Scale. (currently £200).
- 3.32 It is an offence to knowingly or recklessly make any false declarations/ statements in connection with any collection. Any promoter/collector will be liable on summary conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding Level 3 on the Standard Scale (currently £1,000) or both.
- 3.33 This document should not be relied upon as an accurate statement of the law, only indicative of the general offences and penalties. You should seek independent legal advice if you are unsure of any information in this document.

APPENDIX 1

HOUSE TO HOUSE COLLECTIONS ACT 1939

HOUSE TO HOUSE COLLECTIONS REGULATIONS 1947 (as amended)

1. Title and extent
 - (a) These regulations may be cited as the House to House Collections Regulations 1947, and shall come into operation on the twenty-ninth day of December 1947.
 - (b) These regulations shall not extend to Scotland.
2. Interpretation
 - (1) In these regulations, unless the context otherwise requires –
 - 'The Act' means the House to House Collections Act 1939;
 - 'chief promoter', in relation to a collection, means a person to whom a licence has been granted authorising him to promote that collection or in respect of whom an order has been made directing that he shall be exempt from the provisions of subsection (2) or section 1 of the Act as respects that collection;
 - 'collecting box' means a box or other receptacle for monetary contributions, securely closed and sealed in such a way that it cannot be opened without breaking the seal;
 - 'licence' means a licence granted by a [licensing authority]¹ under section 2 of the Act;
 - 'order' means an order made by the Secretary of State under section 3 of the Act;
 - 'prescribed badge' means a badge in the form set out in the Fourth Schedule to these regulations;
 - 'prescribed certificate of authority' means a certificate in the form set out in the Third Schedule to these regulations;
 - 'receipt book' means a book of detachable forms of receipt consecutively numbered with counterfoils or duplicates correspondingly numbered;
 - 'street collection' means a collection or sale to which regulations made under section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916, apply.
 - (2) A mark shall for the purposes of these regulations be deemed to have been made on a collecting box if it is made on a wrapper securely gummed to the collecting box.
 - (3) The Interpretation Act 1889 applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

3. Local collections of a transitory nature

- (1) Every certificate granted under subsection (4) of section 1 of the Act shall be in the form set out in the First Schedule to these regulations, and sections 5 and 6 and subsections (4) and (5) of section 8 of the Act shall be set forth on the back of every such certificate.
- (2) Where such a certificate is granted as aforesaid, the provisions of these regulations shall not apply, in relation to a collection made for the purpose specified on the certificate, within the locality and within the period so specified, to the person to whom the certificate is granted or to any person authorised by him to act as a collector for the purposes of that collection.

4. Applications for licences and orders

- (1) An application for a licence shall be in the form set out in the Second Schedule to these regulations, and shall give the particulars there specified.
- (2) An application for a licence or for an order shall be made not later than the first day of the month preceding that in which it is proposed to commence the collection;

Provided that the [licensing authority]' or, as the case may be, the Secretary of State may grant the application notwithstanding that it was not made within the time required by this paragraph if satisfied that there are special reasons for so doing.

5. Responsibility of promoters as respects collectors

- (1) Every promoter of a collection shall exercise all due diligence –
 - (a) to secure that persons authorised to act as collectors for the purposes of the collection are fit and proper persons; and
 - (b) to secure compliance on the part of persons so authorised with the provisions of these regulations.

6. Certificates of authority, badges, collecting boxes and receipt books

- (1) No promoter of a collection shall permit any person to act as a collector, unless he has issued or caused to be issued to that person –
 - (a) a prescribed certificate of authority duly completed (except as regards the signature of the collector) and signed by or on behalf of the chief promoter of the collection;
 - (b) a prescribed badge, having inserted therein or annexed thereto a general indication of the purpose of the collection; and
 - (c) if money is to be collected, a collecting box or receipt book marked with a clear indication of the purpose of the collection and a distinguishing number, which indication and number shall, in the case of a receipt book, also be marked on every receipt

contained therein in addition to the consecutive number of the receipt.

- (2) Every promoter of a collection shall exercise all due diligence to secure –
 - (a) that no prescribed certificate of authority, prescribed badge, collecting box or receipt book is issued, unless the name and address of the collector to whom it is issued have been entered on a list showing in respect of any collecting box or receipt book the distinguishing number thereof; and
 - (b) that every prescribed certificate of authority, prescribed badge, collecting box or receipt book issued by him or on his behalf is returned when the collection is completed or when for any other reason a collector ceases to act as such.
- (3) In the case of a collection in respect of which a licence has been granted –
 - (a) every prescribed certificate of authority shall be given on a form obtained from Her Majesty's Stationery Office, and every prescribed badge shall be so obtained; and
 - (b) every prescribed certificate of authority shall be authenticated, and the general indication on every prescribed badge of the purpose of the collection shall be inserted therein or annexed thereto. in a manner approved by the [licensing authority] for the area in respect of which the licence was granted.

7. Duties of collectors in relation to certificates and badges

Every collector shall –

- (a) sign his name on the prescribed certificate of authority issued to him and produce it on the demand of any police constable or of any occupant of a house visited by him for the purpose of collection;
- (b) sign his name on the prescribed badge issued to him and wear the badge prominently whenever he is engaged in collecting; and
- c) keep such certificate and badge in his possession and return them to a promoter of the collection on replacement thereof or when the collection is completed or at any other time on the demand of a promoter of the collection.

8. Age limit

No person under the age of 16 years shall act or be authorised to act as a collector of money.

9. Importuning

No collector shall importune any person to the annoyance of such person, or remain in, or at the door of, any house if requested to leave by any occupant thereof.

10. Collection of money

- (1) Where a collector is collecting money by means of a collecting box, he shall not receive any contribution save by permitting the person from whom it is received to place it in a collecting box issued to him by a promoter of the collection.
- (2) Where a collector is collecting money by other means than a collecting box, he shall, upon receiving a contribution from any person, forthwith and in the presence of such person enter on a form of receipt in a receipt book issued to him by a promoter of the collection and on the corresponding counterfoil or duplicate the date, the name of the contributor and the amount contributed, and shall sign the form of receipt, the entries and signature being in ink or indelible pencil, and shall hand the form of receipt to the person from whom he received the contribution.

11. Duty of collectors to return boxes and books

Every collector, to whom a collecting box or receipt book has been issued, shall –

- (a) when the collecting box is full or the receipt book is exhausted, or
- (b) upon the demand of a promoter of the collection, or
- (c) when he does not desire to act as a collector, or
- (d) upon the completion of the collection,

return to a promoter of the collection that collecting box with the seal unbroken or that receipt book with a sum equal to the total amount of the contributions (if any) entered therein.

12. Examination of boxes and books

- (1) Subject as provided in paragraph (2) of this regulation, a collecting box when returned shall be examined by, and, if it contains money, be opened in the presence of, a promoter of the collection and another responsible person.
- (2) Where a collecting box is delivered unopened to a bank, it may be examined and opened by an official of the bank in the absence of a promoter of the collection.
- (3) As soon as a collecting box has been opened, the contents shall be counted and the amount shall be entered with the distinguishing number of the collecting box on a list, which shall be certified by the persons making the examination.
- (4) Every receipt book when returned and all sums received therewith shall be examined by a promoter of the collection and another responsible person, and the amount of the contributions entered in the receipt book shall be checked with the money and entered with the distinguishing number of the receipt book on a list, which shall be certified by the persons making the examination.

13. Provision for envelope collections

- (1) Where the promoter of a collection to whom an order has been granted informs the Secretary of State that he desires to promote an envelope collection, and the Secretary of State is of opinion that the collection is for a charitable purpose of major importance and is suitably administered, the Secretary of State may, if he thinks fit, give permission for the promotion of an envelope collection.
- (2) Where an envelope collection is made in accordance with this regulation –
 - (a) every envelope used shall have a gummed flap by means of which it can be securely closed;
 - (b) no collector shall receive a contribution except in an envelope which has been so closed; and
 - (c) these regulations shall have effect subject to the following modifications:-
 - i. sub-paragraph (c) of paragraph (1) of regulation 6 shall not apply;
 - ii. regulation 10 shall not apply;
 - iii. regulations 11 and 12 shall have effect as if each envelope in which a contribution is received were a collecting box;
 - iv. in regulation 11 for the words 'with the seal unbroken' there shall be substituted the word 'unopened';
 - v. in paragraph (3) of regulation 12 for the words 'As soon as a collecting box has been opened' there shall be substituted the words 'As soon as the envelope has been opened' and the words 'with the distinguishing number of the collecting box' shall be omitted.
- (3) In this regulation 'envelope collection' means a collection made by persons going from house to house leaving envelopes in which money may be placed and which are subsequently called for.

14. Promoters to furnish accounts

- (1) The chief promoter of a collection in respect of which a licence has been granted shall furnish an account of the collection to the [licensing authority] by which the licence was granted within one month of the expiry of the licence:

Provided that if licences are granted to the same person for collections to be made for the same purpose in more than one [licensing area]¹ a combined account of the collections made in all or any of those [licensing areas]' may, by agreement between the chief promoter and the respective [licensing authorities]' be made only to such of the respective [licensing authorities]' as may be so agreed.

- (2) The chief promoter of a collection in respect of which an order has been made shall furnish an account annually to the Secretary of State so long as the order remains in force, and if the order is revoked a final account shall be furnished within three months of the date of the revocation of the order.
- (3) The [licensing authority]' or the Secretary of State may extend the period within which an account is required to be furnished to the authority or to him, as the case may be, if satisfied that there are special reasons for so doing.
- (4) The chief promoter of a collection which is made in connection in whole or in part with a street collection of which an account is required to be furnished to a [licensing authority]' by regulations made under section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act, 1916, may, if the said [licensing authority]' agrees, combine the accounts of the house to house collection, in so far as it is made in connection with the street collection, with the accounts of the street collection, and the amount so included in the combined account shall not be required to form part of the account required to be furnished under paragraph (1) or, as the case may be, paragraph (2) of this regulation, so, however, that in the case of an account furnished under the said paragraph (2) the account shall show, in addition to an account in respect of moneys received from house to house collections not made in connection with a street collection, a statement showing the total proceeds of all combined collections, the total expenses and the balance applied to charitable purposes.

15. Form and certification of accounts

The account required by the preceding regulation –

- (a) where money has been collected, shall be furnished in the form set out in the Fifth Schedule to these regulations and, where property has been collected and sold, shall be furnished in the form set out in the Sixth Schedule to these regulations, and in either case shall be certified by the chief promoter of the collection and by an independent responsible person as auditor; and
- (b) where property (other than money) has been collected and given away or used, shall be furnished in the form set out in the Seventh Schedule to these regulations and shall be certified by the chief promoter and by every person responsible for the disposal of the property collected.

16. Vouching of accounts

- (1) Every account furnished under paragraph (a) of regulation 15 of these regulations shall be accompanied by vouchers for each item of the expenses and application of the proceeds and, in the case of a collection of money, by every receipt book used for the purposes of the collection and by the list referred to in paragraph (2) of regulation 6 of these regulations and the list referred to in regulation 12 of these regulations.

(2) Paragraph (1) of this regulation shall not apply to an account certified by an auditor who is a member of an association or society of accountants incorporated at the date of these regulations or is on other grounds accepted as competent by the authority to which the account is submitted, but where in such a case the vouchers, receipt books and lists mentioned in the said paragraph (1) are not submitted with an account, the chief promoter shall ensure that they are available for three months after the account is submitted and shall, if the authority to which the account was submitted so requires at any time within that period, submit them to that authority.

17. Disposal of disused certificates of authority, etc.

The chief promoter of a collection shall exercise all due diligence to secure that all forms of prescribed certificates of authority and prescribed badges obtained by him for the purposes of the collection are destroyed when no longer required in connection with that collection or in connection with a further collection which he has been authorised to promote for the same purpose.

¹ Substituted by the Local Authorities (Miscellaneous Provisions) (No 2) Order 1974 (SI 1974 No 595)

² Amended by the House-to-House Collections Regulations 1963 (SI 1963 No 684).



Warwick District Council

Street Collection Policy

Police, Factories etc. (Miscellaneous Provisions) Act 1916

2021 – 2026

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1: INTRODUCTION

Objectives of the policy

- 1.1 The purpose of the policy is to provide clear guidance for officers and Councillors on what matters should be taken into account when determining applications for Street collections. It also sets out the reasonable expectations of applicants for charitable collections within Warwick District.
- 1.2 Central to the Council's policy are a number of key objectives which are:
 - To ensure members of the public know which charity they are donating to and to ensure all monies collected are given to the correct charity.
 - To ensure all monies collected are given to registered charities and unregistered organisations who prove their charitable purposes.
 - To ensure visitors to the town centres of Warwick District Council are not constantly being approached to donate monies to a number of charities on the same date and to ensure they are approached in a civil, polite and orderly manner.

Purpose of the policy

- 1.3 This document states Warwick District Council's policy on the regulation of Street Collectors.
- 1.4 The policy is intended to ensure that those who wish to donate to charity through street collections, are able to do so, in good faith, knowing that a significant amount of the money they donate will directly benefit the charity.
- 1.5 This policy seeks to ensure that these objectives are achieved in a consistent, fair and proportionate way. In considering each application for the grant of a street collection the guidance provided by this document will be applied.

Policy review

- 1.6 This Policy will be kept under review and a full consultation exercise carried out when major changes are made to it. It is anticipated that major reviews of the Policy will take place every 5 years.
- 1.7 The Policy will be regularly evaluated and may be changed at any time to reflect minor, administrative or legislative changes or to amend any inconsistencies between the legislation and policy without a full consultation process being carried out. Any major changes will be agreed by the Full Council.
- 1.8 Examples of 'major changes' are changes that are:
 - likely to have a significant effect on permit holders
 - likely to have a significant procedural effect on permit holders
 - likely to have a significant effect on the community

Contacting the team

- 1.9 If after reading this booklet you require further information you are welcome to seek assistance from the Licensing Team.

Email: Licensing@warwickdc.gov.uk

Address: Licensing, Health and Community Protection, Warwick District Council, Riverside House, Milverton Hill, Royal Leamington Spa, CV32 5HZ

The Law

- 1.10 Street Collections are covered by regulations made under the Police, Factories etc. (Miscellaneous Provisions) Act 1916 as amended by section 251, schedule 29 of the Local Government Act 1972.
- 1.11 5(1) of the Police, Factories & etc. (Miscellaneous Provisions) Act 1916 states "each of the authorities specified in subsection (1A) may make regulations with respects to places where and the conditions under which person may be permitted in any street or public place, within their area, to collect money or sell articles for the benefit of charities or other purposes, and any person who acts in contravention of any such regulation shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale or in the case of a second or subsequent offence not exceeding level 1 on the standard scale".
- 1.12 1(A) the authorities referred to in subsection (1) above are (c) the council of each district. The Act enables the local authorities to attach any conditions to a street collection permit where necessary to ensure the collection is undertaken fairly and in an orderly manner.

Definition of a street collection

- 1.13 A street collection is defined as a collection of monies that takes place on a "street" this includes any highway and any public bridge, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not (as defined in section 5(4) Police, Factories & etc (Miscellaneous Provisions) Act 1916) or other area to which the public have access without payment. The Courts have confirmed that any land located away from the highway which the public can access without payment, including privately owned land, is capable of being a street for these purposes. For example, this could include car parks, trading estates, forecourts, open spaces etc. However, the Council takes the view that street collection controls would not normally apply within buildings.

2: PERMIT REQUIREMENTS

Permitted areas

- 2.1 For the purposes of Street Collections, Warwick District Council is made up of five distinct areas. Leamington Spa, Whitnash, Warwick, Kenilworth and 'Rural'. Applications can be made for one area or a number of areas. One area is advisable as this allows other collectors to collect in other areas on the same day.
- 2.2 Warwick District Council will allow only **one collection to take place in any given area per day**. The collection areas are defined as Leamington Spa, Whitnash, Warwick and Kenilworth town centres and 'Rural' is defined 'any other Village' inside the boundary.
- 2.3 Individual roads can be applied for and these roads will be specified on the collecting permit.
- 2.4 Collections may take place on any day of the week including Public Holidays.
- 2.5 The Licensing Authority may, in granting a permit, limit a collection to such streets or public places or such parts thereof as they think fit.
- 2.6 No collection shall be made in any part of the carriageway of any street which has a footway, except where the collection or sale has been authorised to be held in connection with a procession/race. For example; Carnivals, Cycle Races, Running events and Santa/Christmas Events.
- 2.7 No collection shall be made in any street or public place to the obstruction or annoyance of any person in such street or public space.

Number of collections

- 2.8 Warwick District Council will allow no more than 1 collection per calendar year (January to December) for any one organisation or individual.
- 2.9 Collections are booked on a first come, first served basis. This is to ensure that all charities whether large or small, have equal access to popular collection dates.
- 2.10 Where more than one organisation applies for a permit for the same date at the same time, then preference will be given to the more local organisation in order for the proceeds to benefit the local communities. Priority will be given to charities based in and around Warwickshire.

Number of collectors

- 2.11 No persons may assist or take part in any collection without the written authority of the society, committee, or other body to whom a permit has been granted.
- 2.12 Written notice must be provided to us as either part of the application or prior to the collection, confirming details of all person(s) taking part in the collection. You must provide the collectors, name, address and date of birth,

this is to enable us to check the suitability of the collectors and for enforcement.

- 2.13 When the agreed collectors change, we are happy to accept amendments to the collectors details prior to the street collection taking place.
- 2.14 Warwick District Council will restrict the number of people collecting monies (at any one time) to six per area.
- 2.15 No person under the age of 16 years old shall act or be permitted to act as a collector.

Collectors behaviour

- 2.16 Failure to comply with the Street Collection Regulations may result in future applications for a permit being refused. A copy of the regulations are attached as Appendix 1.
- 2.17 No collector shall importune any person to the annoyance of such person.
- 2.18 Any person acting as a collector in a street or public place shall occupy a stationary position at some place on the footway. Not more than two persons shall act as collectors at the same place and no person shall collect money within 25 metres of the place where any other person(s) is/are collecting.
- 2.19 No leaflets or similar shall be handed out during the collection.
- 2.20 Every collector shall carry a collecting box.
- 2.21 All collecting boxes shall be numbered sequentially with a different number for each box used and shall be securely closed and sealed in such a way as to prevent them being opened without the seal being broken.
- 2.22 All money received by a collector from contributors shall immediately be placed in a collecting box.
- 2.23 Every collector shall deliver, unopened, all collecting boxes in his/her possession to a promoter.
- 2.24 A collector shall not carry or use any collecting box, receptacle or tray which does not display prominently the name of the charity/fund for which they are collecting for, nor carry or use any box or other receptacle(s) which are not duly numbered.
- 2.25 No payment or reward shall be made or given to any collector directly or indirectly, or to any person connected with the promotion or conduct of a collection, 100% of the monies collected must be given to the society/charity for which the collection was obtained for.
- 2.26 Collectors who are also members of the Public Fundraising Regulatory Association (PFRA) must adhere to the Institute of Fundraising Face to Face Activity Code of Fundraising Practice on face-to-face fundraising and any interpretation of the code made by the PFRA. Failure to comply could result in

the refusal of further permits issued by Warwick District Council. This code can be viewed at www.pfra.co.uk.

- 2.28 Warwick District Council take the welfare of animals seriously therefore if you wish to use/bring an animal(s) to a collection you will need to supply a copy of the animals Performing Animal Licence with your application form. Guide or Assistance dogs are exempt from this restriction.

Registered charities and charitable organisations

- 2.29 Warwick District Council will consider applications from registered charities and a registered charity number will need to be provided on the application form.
- 2.30 Should the collection be on behalf of a registered charity then a letter of authority will be required which must accompany the application from the organisation.
- 2.31 Should a non registered organisation wish to submit an application, then they will have to provide information with regard to the charitable purpose (i.e. Relief of poverty, advancement of health or saving of lives) and show they benefit the public.

Exceptions

- 2.32 Warwick District Council reserves the right to deviate from this policy where it is satisfied that there is sufficient cause for doing so.
- 2.33 Exceptions to this policy may be made for collections such as the Royal British Legion's Poppy Appeal and Santa collections within the District and when natural disasters have occurred such as a tsunami or earthquake.
- 2.34 Collections for Children in Need, Red Nose Day and Sports Relief are discouraged as the organisers themselves prefer sponsored events.

3: APPLICATION PROCESS

Application process

- 3.1 No collection of money shall be made in any street or public place within Warwick District unless the person, society, committee or other body of persons responsible for such collection have obtained a permit from Warwick District Council for such a collection.
- 3.2 Application forms can be obtained from the Warwick District Council website, and an example is attached as Appendix 2.
- 3.3 Anyone wishing to conduct a street collection must complete the relevant application form. Applications must be submitted in writing **no less than one month before the date on which the proposed collection is due to take place.** (The application period of one month may be reduced if we are satisfied that there are special reasons for doing so.)
- 3.4 Applicants must supply information relating to:
 - the name of the society, committee or other body of persons responsible for the collection including their address and telephone number. This could be the head office address for the Society.
 - the name of the persons making the application for the permit, including their position within the society, their address, telephone number and date of birth.
 - the relationship between the Charity and the person making the application.
 - the name of the charity for which the collection will benefit, the registered Charity number, the address and telephone number of the Administrative Centre of the Charity, the name of the secretary, together with the objects of the Charity or Fund.
 - the dates, times and localities you wish to collect and also requests details of any deductions that may be made for expenses from the collection.
 - whether they intend to have volunteers or collectors and requests their full name, address, date of birth and if they have ever been convicted of offences involving dishonesty.
 - the name and address of the Accountant responsible for processing the monies collected including the details of the Accountant's qualifications.
- 3.5 The application form must be signed and dated by the person making the application.
- 3.6 Failure to complete the application form and provide the relevant documentation may result in your application been rejected.
- 3.7 Officers have delegated powers to grant an application where all of the criteria set out in this policy are met. Each permit will include a copy of the Warwick District Council Street Collection Regulations, a copy of which is attached as Appendix 1.

Permit fee

- 3.8 There is no fee for a Street Collection permit.

Further information

- 3.9 Warwick District Council may request (at the time of application or later) that additional information is provided, as may be considered relevant for the purpose of considering the application.
- 3.10 Failure to provide such information may result in the application being rejected.

Refusal of an application - hearing procedure

- 3.11 Where Licensing are unable to issue a permit to an applicant (for example, if the applicant has a conviction for dishonesty) then the application would need to be determined by the Licensing and Regulatory Panel.
- 3.12 Where an application is to be considered by the Licensing and Regulatory Panel the applicant will be notified of the time and date of the hearing.
- 3.13 Prior to the hearing, all parties will be supplied with a copy of the report. The report will contain a summary of the application, representations and any other relevant information.
- 3.14 At the hearing, all parties will have the opportunity to address the Licensing and Regulatory Panel and ask questions of fact of other parties. The Licensing and Regulatory Panel may also ask questions of all parties that they feel relevant to the determination process.
- 3.15 The Licensing and Regulatory Panel will communicate their decision at the end of the hearing and all parties will receive written confirmation of the decision within 7 days.

Proceeds statement form

- 3.16 Within one month after the date of any collection or sale the person, society, committee or other body of persons responsible for the collection shall forward to Warwick District Council's Licensing Authority a statement in the form set out in the Schedule to the Regulations. If there are multiple collections in the same month, the return must be submitted to the Licensing Authority within one month of the final collection. This form will be attached to the permit when it is granted (an example is attached as Appendix 3).
- 3.17 The proceeds statement form must be certified by the auditor of the society or by some independent responsible person.
- 3.18 This statement of returns must detail the amount received and the expenses incurred in connection with such collection.

Enforcement

- 3.19 It is recognised that well-directed enforcement activity by the Council benefits not only the public but also the responsible members of the trade.

- 3.20 In pursuing its objective of encouraging responsible businesses, the Council will operate a proportionate enforcement regime in accordance with the Enforcement Policy.
- 3.21 The responsibility for the overall supervision of Street Collections lies with the Head of Health and Community Protection.

Offences and penalties

- 3.22 No collection shall be made except upon the day and between the hours stated in the permit.
- 3.23 This document should not be relied upon as an accurate statement of the law, only indicative of the general offences and penalties. You should seek independent legal advice if you are unsure of any information in this document.
- 3.24 Any person who acts in contravention of any of the foregoing Regulations will be liable on summary conviction to a fine not exceeding Level 1 on the Standard Scale. (currently £200).

4: DEFINITIONS

<i>Collection</i>	means a collection of money for the benefit of charitable or other purposes and the word "collector" shall be construed accordingly
<i>Promoter</i>	means a person who causes others to act as collectors
<i>Licensing Authority</i>	means Warwick District Council
<i>We</i>	means Warwick District Council
<i>Permit</i>	means a permit for a collection
<i>Contributor</i>	means a person who contributes to a collection for the benefit of charitable or other purposes:
<i>Collecting Box</i>	means a box or other receptacle for the reception of money from contributors.

APPENDIX 1

WARWICK DISTRICT COUNCIL

Regulations made by Warwick District Council with regard to street collections.

In pursuance of section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916, as amended by section 251 and Schedule 29 to the Local Government Act 1972, Warwick District Council hereby makes the following regulations with respect to the places where and the conditions under which persons may be permitted in any street or public place within Warwick District to collect money or sell articles for the benefit of charitable or other purposes:

1. In these Regulations, unless the context otherwise requires "collection" means a collection of money or a sale of articles for the benefit of charitable or other purposes and the word "collector" shall be construed accordingly;

"Promoter" means a person who causes others to act as collectors;

"Permit" means a permit for a collection;

"Contributor" means a person who contributes to a collection and includes a purchaser of articles for sale for the benefit of charitable or other purposes;

"Collecting box" means a box or other receptacle for the reception of money from contributors.
2. No collection, other than a collection taken at a meeting in the open air, shall be made in any street or public place within Warwick District unless a promoter shall have obtained from the licensing authority a permit.
3. Application for a permit shall be made in writing not later than one month before the date on which it is proposed to make the collection:

Provided that the Warwick District Council may reduce the period of one month if satisfied that there are special reasons for doing so.
4. No collection shall be made except upon the day and between the hours stated in the permit.
5. The Warwick District Council may, in granting a permit, limit the collection to such streets or public places or such parts thereof as it thinks fit.
6.
 - a) No person may assist or take part in any collection without the written authority of a promoter.
 - b) Any person authorised under paragraph (1) above shall produce such written authority forthwith for inspection on being requested to do so by a duly authorised officer of the Warwick District Council or any constable.
7. No collection shall be made in any part of the carriageway of any street, which has a footway;

Provided that the Warwick District Council may, if it thinks fit, allow a collection to take place on the said carriageway where such collection has been authorised to be held in connection with a procession.
8. No collection shall be made in a manner likely to inconvenience or annoy any person.

9. No collector shall not importune any person to the annoyance of such person.

10. While collecting -

(a) a collector shall remain stationary; and

(b) a collector or two collectors together shall not be nearer to another collector than 25 metres.

Provided that the Warwick District Council may, if it thinks fit, waive the requirements of this Regulation in respect of a collection which has been authorised to be held in connection with a procession.

11. No promoter, collector or person who is otherwise connected with a collection shall permit a person under the age of sixteen years to act as a collector.

Provided that the Warwick District Council may permit persons of fourteen years of age or more to act as collectors where it is satisfied that it is reasonable in the circumstances of a particular collection and that collectors under sixteen years of age will be accompanied by an adult.

12. (1) Every collector shall carry a collecting box.

(2) All collecting boxes shall be numbered consecutively and shall be securely closed and sealed in such a way as to prevent them being opened without the seal being broken.

(3) All money received by a collector from contributors shall immediately be placed in a collecting box.

(4) Every collector shall deliver, unopened, all collecting boxes in his possession to a promoter.

13. A collector shall not carry or use any collecting box, receptacle or tray which does not bear displayed prominently thereon the name of the charity or fund which is to benefit nor any collecting box which is not duly numbered.

14. (1) Subject to paragraph (2) below a collecting box shall be opened in the presence of a promoter and another responsible person.

(2) Where a collecting box is delivered, unopened, to a bank, it may be opened by an official of the bank.

(3) As soon as a collecting box has been opened, the person opening it shall count the contents and shall enter the amount with the number of the collecting box on a list which shall be certified by that person.

15. (1) No payment shall be made to any collector.

(2) No payment shall be made out of the proceeds of a collection, either directly or indirectly, to any other person connected with the promotion or conduct of such collection for, or in respect of, services connected therewith, except such payments as may have been approved by the Warwick District Council.

16. (1) Within one month after the date of any collection the person to whom a permit has been granted shall forward to the Warwick District Council.

(a) a statement in the form set out in the Schedule to these Regulations, or in a form to the like effect, showing the amount received and the expenses and payments incurred in connection with such a collection and certified by that person and either a qualified accountant or an

independent responsible person acceptable to the Warwick District Council,

- (b) a list of the collectors;
 - (c) a list of the amounts contained in each collecting box; and shall, if required by the Warwick District Council satisfy it as to the proper application of the proceeds of the collection.
- (2) The Warwick District Council may, if satisfied there are special reasons for so doing, extend the period of one month referred to in paragraph (1) above.
- (3) For the purpose of this Regulation "a qualified accountant" means a member of one or more of the following bodies:
- the Institute of Chartered Accountants in England and Wales;
 - the Institute of Chartered Accountants of Scotland;
 - the Association of Certified Accountants;
 - the Institution of Chartered Accountants in Ireland
17. These regulations shall not apply
- (a) in respect of a collection taken at a meeting in the open air; or
 - (b) to the selling of articles in any street or public place when the articles are sold in the ordinary course of trade.



STREET COLLECTIONS

Application form

Application form for permission to collect money or sell articles in streets or public places within the Warwick District for the benefit of charitable or other purposes.

Section 1

Name of Society, Committee or other organization responsible for the collection	
Address (this should be the address of the Head Office of the Society or other body etc.)	
Email Address	
Telephone number	

Section 2

Name of the person making the application for the permit, who will be responsible for the collection	
Home Address (including Postcode) note: this is the address that will appear on the permit	
Position in above Society	
Date of Birth	
Email Address	
Telephone number	

Section 3

Relationship between Charity and person making the application	
PLEASE NOTE: If the relationship is one of 'Professional Fundraiser' please supply a copy of contract or agreement between the applicant body and the charity.	
PLEASE NOTE: If you intend to collect on behalf of a charity of which you are not a member, written authority MUST be obtained from the said charity authorizing you to organize collections on the charity's behalf and submitted with this application.	

Section 4

Name of the Charity or Fund which is to benefit	
Registered Charity Number	
Address of the Administrative Centre of the fund (i.e. Local Centre)	
Name of the Secretary	
Telephone number	
Objectives of the Charity/Fund	

Section 5

Desired collection date Alternative date(s)	
Desired location for collection (indicate preference with 1 st , 2 nd , 3 rd etc.) Leamington Spa Warwick Kenilworth Rural/Other – please specify	
Disposal of the receipts. Are the whole of the receipts to be paid over for the benefit of the Charity or Fund, or will any deductions be made for expenses, or other purposes?	
If any deduction is made, state for what purpose and give an estimate of the sum which will be deducted	

Section 6

Has the Society, Charity or person making this application ever had a street collection permit refused or revoked?	
If yes, please give details	

Section 7

Please indicate whether you intend to have volunteers or paid collectors carrying out the collection		
If collectors are to be paid, please give payment details Please supply details of collectors in table below (Use separate sheet if necessary)		
Full Name	Date of Birth	Address
Have any of the collectors ever been convicted of offences involving dishonesty?		
If the answer to the above question is yes, please provide full details (<i>use a separate sheet if necessary</i>)		

Section 8

Name and Full Address of Accountant	
Details of accountant's qualifications	

Section 9

Signature of person making this application	
Date of application	
False or misleading information given will lead to the application being rejected, and may also result in prosecution.	

If your application is granted, please note that you will be subject to the attached regulations.

Please note: There are usually more applications than dates available and it might not be possible to grant all applications.

Once this form is fully completed, return it to:

Licensing Team
Health and Community Protection
Warwick District Council
Riverside House
Milverton Hill
Royal Leamington Spa
CV32 5HZ.

SCHEDULE (FORM OF STATEMENT)
TO BE COMPLETED FOLLOWING THE COLLECTION



Street Collection Permit
Proceeds Statement Form

Your Permit Number

Name of person to whom the permit was granted	
Address of person to whom the permit was granted	
Name of the charity or fund which is to benefit	
Date of collection	

Show nil entries

Proceeds of Collection	Amount	Total	Expenses and Application	Amount	Total
From Collecting Boxes			Printing and Stationery		
Interest on proceeds			Postage		
Other items			Advertising		
			Collecting Boxes		
			Badges		
			Emblems		
			Other items:-		
			Payments approved under Regulation 15(2)		
			Disposal of Balance (insert particulars)		
TOTAL £			TOTAL £		

Certificate of the person to whom the permit was granted

I certify that to the best of my knowledge and belief the above is a true account of the proceeds, expenses and application of the proceeds of the collection.

Date (Signed)

Certificate of accountant/Auditor

I certify that I have obtained all the information and explanations required by me and that the above is in my opinion a true account of the proceeds, expenses and application of the proceeds of the collection.

Date (Signed).....

Qualification